

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

THIRTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, March 09, 2020

The Senate convened at 11:00 a.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 Allison Horkey and Connor Langbehn.

Roll Call: All members present except Sen. Phil Jensen who was excused.

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 thirty-second 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 The oath of office was administered by the President to the following named pages:

2 Allison Horkey, Connor Langbehn, Gabriel Nelson, Jacey Orthaus, Jayme Peterson,
3 Maggie Peterson, Caleigh Sanchez, and Josie Weber.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Senate State Affairs respectfully reports that it has had under consideration
8 **HCR 6020** and returns the same with the recommendation that said resolution do pass.

9 Respectfully submitted,
10 Bob Ewing, Chair

11 Mr. PRESIDENT:

12 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
13 Enrolling has carefully compared **SB 1, 4, 21, 24, 113, 128, 137, 146, 150, 155, 160, 161, 181,**
14 **and 183** and finds the same correctly enrolled.

15 Respectfully submitted,
16 Brock L. Greenfield, Chair

17 Mr. PRESIDENT:

18 The Committee on Legislative Procedure respectfully reports that **SB 5, 16, 37, 65, 74, 80,**
19 **147, 162, and 176** were delivered to her Excellency, the Governor, for her approval at 8:25 a.m.,
20 March 9, 2020.

21 Respectfully submitted,
22 Brock L. Greenfield, Chair

23 Mr. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that **SJR 501** was delivered to
25 his Excellency, the Secretary of State, for filing at 8:25 a.m., March 9, 2020.

26 Respectfully submitted,
27 Brock L. Greenfield, Chair

28 **MESSAGES FROM THE HOUSE**

29 Mr. PRESIDENT:

30 I have the honor to return herewith **SB 1, 4, 21, 24, 113, 128, 137, 150, 155, 160, 161,**
31 **181, and 183** which have passed the House without change.

1 Also Mr. PRESIDENT:

2 I have the honor to return herewith **SB 186** which has been amended by the House and your
3 concurrence in the amendments is respectfully requested.

4 Also Mr. PRESIDENT:

5 I have the honor to return herewith **SCR 603** in which the House has concurred.

6 Respectfully,
7 Mary Lou Goehring, Chief Clerk

8 Sen. Langer moved that Senate do now recess until 1:30 p.m.

9 Which motion prevailed and at 11:18 a.m., the Senate recessed.

10 **RECESS**

11 The Senate reconvened at 1:30 p.m., the President presiding.

12 **MOTIONS AND RESOLUTIONS**

13 Sen. Bolin moved that the Senate do concur in House amendments to **SB 167**.

14 The question being on Sen. Bolin's motion that the Senate do concur in House amendments to
15 **SB 167**.

16 And the roll being called:

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

18 Yeas:

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

23 Nays:

24 Russell

25 Excused:

26 Phil Jensen

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 President declared the motion carried and the amendments were concurred in.

29 Sen. Partridge moved that the Senate do concur in House amendments to **SB 148**.

30 The question being on Sen. Partridge's motion that the Senate do concur in House amendments
31 to **SB 148**.

1 And the roll being called:

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

3 Yeas:

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

8 Excused:

9 Phil Jensen

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion carried and the amendments were concurred in.

12 Sen. Brock Greenfield moved that the Senate do concur in House amendments to **SB 142**.

13 The question being on Sen. Brock Greenfield's motion that the Senate do concur in House
14 amendments to **SB 142**.

15 And the roll being called:

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

17 Yeas:

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

22 Nays:

23 Wismer

24 Excused:

25 Phil Jensen

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion carried and the amendments were concurred in.

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

30 Was read the second time.

31 Sen. Kolbeck moved that **HCR 6023** as found on page 397 of the House Journal be concurred
32 in.

33 The question being on Sen. Kolbeck's motion that **HCR 6023** be concurred in.

34 And the roll being called:

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

36 Yeas:

37 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
38 Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Partridge,

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

3 Excused:
4 Phil Jensen and Youngberg

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 President declared the motion carried and **HCR 6023** was concurred in.

7 Sen. Langer moved that the joint rules be suspended for the sole purpose of waiving committee
8 assignment and placing **HB 1187** and **HB 1189** on the second reading calendar.

9 The question being on Sen. Langer's motion that the rules be suspended for the sole purpose
10 of waiving committee assignment and placing **HB 1187** and **HB 1189** on the second reading
11 calendar.

12 And the roll being called:

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

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

19 Nays:
20 Russell

21 Excused:
22 Phil Jensen

23 So the motion having received an affirmative vote of a two-thirds majority of the members-
24 elect, the President declared the motion carried.

25 Sen. Langer moved that **HB 1008, 1046, 1100, 1233, and 1266** be placed to follow
26 HB 1090 on today's calendar.

27 Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

Judiciary on **HB 1088** as found on page 429 of the Senate Journal; also

4

Judiciary on **HB 1092** as found on page 430 of the Senate Journal; also

5

Judiciary on **HB 1140** as found on page 432 of the Senate Journal; also

6

Judiciary on **HB 1206** as found on page 432 of the Senate Journal; also

7

Commerce and Energy on **HB 1199** as found on page 427 of the Senate Journal; also

8

Commerce and Energy on **HB 1216** as found on page 429 of the Senate Journal; also

9

Education on **HB 1228** as found on page 444 of the Senate Journal; also

10

Education on **HB 1213** as found on page 442 of the Senate Journal; also

11

Education on **HCR 6019** as found on page 445 of the Senate Journal be adopted.

12

Which motion prevailed and the reports were adopted.

13

CONSIDERATION OF EXECUTIVE APPOINTMENTS

14

The Senate proceeded to the consideration of the executive appointment of Peter Lieberman of Minnehaha County, Sioux Falls, South Dakota, to the Board of Pardons and Paroles.

15

16

The question being "Does the Senate advise and consent to the executive appointment of Peter Lieberman pursuant to the executive message as found on page 378 of the Senate Journal?"

17

18

And the roll being called:

19

Yeas 34, Nays 0, Excused 1, Absent 0

20

Yeas:

21

Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, 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

22

23

24

25

Excused:

26

Phil Jensen

27

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

28

1

CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

2
3
4

The Senate proceeded to the consideration of the executive appointments of Julie Westra of Lincoln County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards (SJ 128), and

5
6

Phyllis Heineman of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Board of Education Standards (SJ 240), and

7
8

The executive reappointments of Patricia White Horse Carda of Charles Mix County, Wagner, South Dakota, to the Board of Pardons and Paroles (SJ 378), and

9
10

Russell Olson of Lake County, Wentworth, South Dakota, to the Game, Fish and Parks Commission (SJ 240).

11
12
13

The question being "Does the Senate advise and consent to the executive appointments of Julie Westra and Phyllis Heineman, and the executive reappointments of Patricia White Horse Carda and Russell Olson?"

14

And the roll being called:

15

Yeas 31, Nays 3, Excused 1, Absent 0

16

Yeas:

17
18
19
20

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

21
22

Nays:
Heinert, Kennedy, and Wismer

23
24

Excused:
Phil Jensen

25
26

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

27

SECOND READING OF CONSENT CALENDAR ITEMS

28

Sen. Schoenbeck requested that **HB 1277** be removed from the Consent Calendar.

29
30

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

31
32

HB 1088: FOR AN ACT ENTITLED, An Act to create a penalty for violation of a vulnerable adult protection order and to revise certain provisions regarding protection orders.

33
34

HB 1119: FOR AN ACT ENTITLED, An Act to include certain offenses committed in another state for purposes of an enhanced penalty.

35
36

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

37
38

HB 1205: FOR AN ACT ENTITLED, An Act to revise provisions regarding a custodial parent relocating a minor child.

1 **HB 1216:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sexual
2 harassment.

3 **HB 1228:** FOR AN ACT ENTITLED, An Act to include children with a hearing loss in the reporting
4 criteria required for deaf and hard-of-hearing children.

5 **HB 1246:** FOR AN ACT ENTITLED, An Act to revise the attorney's fees allowed in a retaliation
6 action against a lessor.

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

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

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

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

18 Were read the second time.

19 The question being "Shall **HB 1002, 1088, 1140, 1216, and 1228** pass as amended, and
20 **HB 1119, 1205, and 1246** pass, and **HCR 6019 and 6024** be concurred in as amended, and
21 **HCR 6021 and 6022** be concurred in?"

22 And the roll being called:

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

24 Yeas:

25 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
26 Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Partridge,
27 Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White,
28 Wismer, and Youngberg

29 Excused:

30 Phil Jensen and Wiik

31 So the bills and resolutions having received an affirmative vote of a majority of the members-
32 elect, the President declared the bills passed, the resolutions concurred in, and the titles were agreed
33 to.

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

35 **HB 1207:** FOR AN ACT ENTITLED, An Act to extend the termination date for the Juvenile
36 Justice Public Safety Oversight Council.

37 Was read the second time.

1 The question being "Shall **HB 1207** pass?"

2 And the roll being called:

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

4 Yeas:

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

9 Excused:

10 Phil Jensen and Wiik

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

13 **HB 1092:** FOR AN ACT ENTITLED, An Act to provide for an assumption of risk by any person
14 engaged in off-road vehicle activity and to limit the liability of the renters of off-road vehicles under
15 certain circumstances.

16 Was read the second time.

17 The question being "Shall **HB 1092** pass as amended?"

18 And the roll being called:

19 Yeas 27, Nays 7, Excused 1, Absent 0

20 Yeas:

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

24 Nays:

25 Kennedy, Monroe, Nesiba, Novstrup, Partridge, Schoenbeck, and Steinhauer

26 Excused:

27 Phil Jensen

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

30 **HB 1206:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
31 commitment of a delinquent child to the Department of Corrections.

32 Was read the second time.

33 The question being "Shall **HB 1206** pass as amended?"

34 And the roll being called:

35 Yeas 32, Nays 2, Excused 1, Absent 0

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

6 Nays:
7 Foster and Heinert

8 Excused:
9 Phil Jensen

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

12 **HB 1199:** FOR AN ACT ENTITLED, An Act to revise civil liability for riot and incitement to riot.

13 Was read the second time.

14 The question being "Shall **HB 1199** pass as amended?"

15 And the roll being called:

16 Yeas 26, Nays 7, Excused 2, Absent 0

17 Yeas:
18 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Klumb, Kolbeck,
19 Lake, Monroe, Novstrup, Ernie Otten, Partridge, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt,
20 Stalzer, Steinhauer, Sutton, White, Wiik, and Youngberg

21 Nays:
22 Foster, Heinert, Kennedy, Maher, Nesiba, Russell, and Wismer

23 Excused:
24 Phil Jensen and Langer

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

27 **HB 1044:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
28 to fund the development of the Cyber Incubator and Entrepreneurial Center at Dakota State
29 University and to declare an emergency.

30 Was read the second time.

31 The question being "Shall **HB 1044** pass?"

32 And the roll being called:

33 Yeas 31, Nays 2, Excused 2, Absent 0

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

1 Nays:
2 Maher and Russell

3 Excused:
4 Phil Jensen and Langer

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

7 **HB 1045:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
8 design, renovation of, and addition to, the E.Y. Berry Library on the campus of Black Hills State
9 University and to make an appropriation therefor.

10 Was read the second time.

11 The question being "Shall **HB 1045** pass as amended?"

12 And the roll being called:

13 Yeas 32, Nays 2, Excused 1, Absent 0

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

19 Nays:
20 Maher and Monroe

21 Excused:
22 Phil Jensen

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

25 **HB 1227:** FOR AN ACT ENTITLED, An Act to make an appropriation for the rural veterinary
26 medical education program and to declare an emergency.

27 Was read the second time.

28 The question being "Shall **HB 1227** pass as amended?"

29 And the roll being called:

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

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

36 Excused:
37 Phil Jensen

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

3 Sen. Bolin moved that **HB 1213** be placed to follow HB 1189 on today's calendar.

4 Which motion prevailed.

5 **HB 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for
6 elderly persons and persons with a disability, and to declare an emergency.

7 Was read the second time.

8 The question being "Shall **HB 1034** pass as amended?"

9 And the roll being called:

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

11 Yeas:

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

16 Excused:

17 Phil Jensen, Langer, and Partridge

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

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

23 Was read the second time.

24 The question being "Shall **HB 1035** pass?"

25 And the roll being called:

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

27 Yeas:

28 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
29 Kennedy, Klumb, Kolbeck, Lake, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Partridge, Rusch,
30 Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik,
31 Wismer, and Youngberg

32 Excused:

33 Phil Jensen and Langer

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

1 **HB 1090:** FOR AN ACT ENTITLED, An Act to make an appropriation to evaluate the feasibility
2 of the use of telehealth services within the criminal justice system and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **HB 1090** pass?"

5 And the roll being called:

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

7 Yeas:

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

12 Excused:

13 Phil Jensen

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

16 Sen. Langer moved that Senate do now recess until 3:30 p.m.

17 Which motion prevailed and at 2:51 p.m., the Senate recessed.

18 **RECESS**

19 The Senate reconvened at 3:30 p.m., the President presiding.

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

21 **HB 1266:** FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by employees of the
22 Board of Regents.

23 Was read the second time.

24 Sen. Partridge moved that **HB 1266** be amended as follows:

25 1266C

26 On page 1, line 1, of the Introduced bill, delete "prohibit collective bargaining by employees of
27 the Board of Regents" and insert " establish the Dakota's promise scholarship program and the
28 Dakota's promise fund"

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

30 "

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

1 13-55-79. Dakota's promise scholarship program--Establishment--Purposes.

2 There is established the Dakota's promise scholarship program. The purpose of the program is
3 to provide scholarships through the Board of Regents to eligible students to allow the students to
4 receive an affordable education at any university or college accredited by the Higher Learning
5 Commission and that provides instruction from a campus located in South Dakota.

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

7 13-55-80. Administration of scholarship program--Report to Legislature.

8 The executive director of the Board of Regents shall:

9 (1) Administer the Dakota's promise scholarship program;

10 (2) Establish and maintain program records that are necessary and required by good
11 accounting practices; and

12 (3) Track the outcomes and impact of the program and report on the outcomes and impact to
13 the Legislature.

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

15 13-55-81. Eligibility for scholarship--Requirements.

16 In order to be eligible for a Dakota's promise scholarship, a student shall:

17 (1) Be a resident of South Dakota at the time of graduation from high school;

18 (2) Receive a Pell Grant from the United States Department of Education;

19 (3) Obtain a composite score or superscore of at least twenty-two on the ACT test or a
20 comparable score on the Scholastic Aptitude Test as determined by the Board of Regents;

21 (4) Have a cumulative high school grade point average of 3.0 or higher on a 4.0 scale;

22 (5) Attend a university or college accredited by the Higher Learning Commission that provides
23 instruction from a campus located in South Dakota; and

24 (6) Enroll in a minimum of twelve credit hours per semester, unless the student is in the
25 student's final semester and requires fewer than twelve credit hours to complete the student's
26 degree.

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

28 13-55-82. Maintaining eligibility.

29 In order to maintain eligibility for the Dakota's promise scholarship program, a student shall:

30 (1) Earn thirty credit hours prior to the beginning of the second year of instruction, sixty credit
31 hours prior to the beginning of the third year of instruction, and ninety credit hours prior to the
32 fourth year of instruction; and

33 (2) Maintain a cumulative grade point average of 2.0 or higher on a 4.0 scale.

34 If factors beyond the control of a student who has been awarded a Dakota's promise
35 scholarship prevent the student from meeting the requirements in subdivision (1), the executive
36 director may temporarily waive the requirement of that subdivision and allow the student to remain
37 eligible for the Dakota's promise scholarship. A student may receive a Dakota's promise scholarship

1 for up to four academic years, or until the student obtains a baccalaureate degree, whichever comes
2 first.

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

4 13-55-83. Postsecondary institution participation--Matching funds.

5 If a postsecondary institution eligible to participate in the program under § 13-55-79
6 accumulates funding equal to the amount of funding necessary to fund Dakota's promise
7 scholarships for all the institution's eligible students, the institution may apply to the executive
8 director to participate. When a scholarship is issued, the executive director may distribute funding
9 from the Dakota's promise fund established in § 13-55-85 at the rate of one dollar from the fund
10 for every one dollar of private funding allocated to the eligible students by the participating
11 institution. The executive director may provide for the proration of funds if the available funds are
12 insufficient to pay all approved scholarships.

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

14 13-55-84. Scholarship awards.

15 A participating institution shall award a Dakota's promise scholarship to an eligible student for
16 the normal academic year, or its equivalent, in the amount of one thousand two hundred fifty dollars
17 payable from the Dakota's promise fund and, subject to the required private match established in §
18 13-55-83. Under no circumstances may the award of a Dakota's promise scholarship result in an
19 eligible student receiving more financial assistance than is necessary to cover the eligible student's
20 tuition and fees; required books, supplies, or equipment; and room and board expenses. If a
21 scholarship in the amount of one thousand two hundred fifty dollars would exceed an eligible
22 student's financial need, the participating institution may award a scholarship to the student in an
23 amount less than one thousand two hundred fifty dollars.

24 **Section 7.** That a NEW SECTION be added:

25 13-55-85. Dakota's promise fund--Establishment--Contents--Continuous appropriation.

26 There is established in the state treasury the Dakota's promise fund for the purpose of funding
27 the Dakota's promise scholarship program established in § 13-55-79. The fund shall consist of:

28 (1) Any funds appropriated by the Legislature for the purposes of §§ 13-55-79 through 13-55-
29 87;

30 (2) Any gifts, grants, and donations deposited by or on behalf of an institution of higher
31 education in this state for the purpose of providing scholarships to eligible students in accordance
32 with §§ 13-55-79 through 13-55-87; and

33 (3) Any interest or income earned thereon.

34 Any money in the Dakota's promise fund is continuously appropriated. Any money deposited
35 into or distributed from the fund shall be set forth in an informational budget as provided in § 4-7-
36 7.2.

37 **Section 8.** That a NEW SECTION be added:

38 13-55-86. Dakota's promise funds--Acceptance and expenditures.

39 The executive director shall accept and expend any funds received from state or private sources
40 as provided in § 13-55-85 if the acceptance and expenditure is approved in accordance with chapter
41 4-8. Expenditures authorized under this section shall be paid out on warrants drawn by the state
42 auditor on vouchers approved by the executive director.

43 **Section 9.** That a NEW SECTION be added:

1 13-55-87. Promulgation of rules.

2 The Board of Regents may promulgate rules, pursuant to chapter 1-26, to establish the process
3 for accepting applications, determining eligibility, and distributing funds; and to establish the
4 process for contesting any decisions pertaining to the Dakota's promise scholarship program.

5 "

6 Which motion prevailed.

7 The question being "Shall **HB 1266** pass as amended?"

8 And the roll being called:

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

10 Yeas:

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

15 Nays:

16 Russell

17 Excused:

18 Phil Jensen

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

21 **HB 1046:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
22 design, renovation of, and addition to, the Devereaux Library on the campus of the South Dakota
23 School of Mines and Technology and to make an appropriation therefor.

24 Was read the second time.

25 Sen. Wiik moved that **HB 1046** be amended as follows:

26 1046B

27 On page 1, line 2, of the Joint Appropriations bill, after "Library" insert " and to provide funding
28 for the Mineral Industries Building"

29 On page 1, line 3, of the Joint Appropriations bill, after "Technology" insert the comma

30 On page 1, line 3, of the Joint Appropriations bill, after "Technology " delete "and"

31 On page 1, line 3, of the Joint Appropriations bill, after "therefor" insert ", and to declare an
32 emergency"

33 On page 2, after line 3, of the Joint Appropriations bill, insert "

34 **Section 10.** There is hereby appropriated from the general fund the sum of one million five
35 hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, to the Board of
36 Regents for the purpose of providing funding for the mineral industries building which is to be located
37 on the campus of the South Dakota School of Mines and Technology.

1

"

2

On page 2, line 16, of the Joint Appropriations bill, after "10. " 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."

6

Which motion prevailed.

7

The question being "Shall **HB 1046** pass as amended?"

8

And the roll being called:

9

Yeas 34, Nays 0, Excused 1, Absent 0

10

Yeas:

11

Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert, 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

12

13

14

15

Excused:

16

Phil Jensen

17

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.

18

19

HB 1233: FOR AN ACT ENTITLED, An Act to make an appropriation to the gaming commission fund, to provide for the transfer of funds to the special racing revolving fund and the South Dakota-bred racing fund, and to declare an emergency.

20

21

22

Was read the second time.

23

Sen. Schoenfish moved that **HB 1233** be amended as follows:

24

1233D

25

On page 1, line 5, of the Joint Appropriations bill, delete "one dollar (\$1)" and insert "two dollar (\$2)"

26

27

Which motion prevailed.

28

The question being "Shall **HB 1233** pass as amended?"

29

And the roll being called:

30

Yeas 31, Nays 3, Excused 1, Absent 0

31

Yeas:

32

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

33

34

35

36

Nays:

37

Novstrup, Russell, and Wiik

38

Excused:

39

Phil Jensen

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

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

5 Was read the second time.

6 Sen. Partridge moved that **HB 1100** be amended as follows:

7 1100C

8 On page 1, line 4, of the Joint Appropriations bill, after "one " insert "million"

9 On page 1, line 4, of the Joint Appropriations bill, delete "dollar (\$1)" and insert " dollars
10 (\$1,000,000)"

11 Which motion prevailed.

12 The question being "Shall **HB 1100** pass as amended?"

13 And the roll being called:

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

15 Yeas:

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

20 Excused:

21 Phil Jensen and Youngberg

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

26 Was read the second time.

27 The question being "Shall **HB 1277** pass as amended?"

28 And the roll being called:

29 Yeas 15, Nays 19, Excused 1, Absent 0

30 Yeas:

31 Blare, Bolin, Cammack, Brock Greenfield, Klumb, Kolbeck, Lake, Monroe, Novstrup, Rusch,
32 Russell, V. J. Smith, Stalzer, Steinhauer, and Sutton

33 Nays:

34 Castleberry, Curd, Duhamel, Ewing, Foster, Heinert, Kennedy, Langer, Maher, Nesiba, Ernie
35 Otten, Partridge, Schoenbeck, Schoenfish, Soholt, White, Wiik, Wismer, and Youngberg

1 Excused:
2 Phil Jensen

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

5 **HB 1008:** FOR AN ACT ENTITLED, An Act to legalize the growth, production, and
6 transportation of industrial hemp in the state, and to declare an emergency.

7 Was read the second time.

8 Sen. Partridge moved that **HB 1008** be amended as follows:

9 1008H

10 On page 1, line 1, of the House Agriculture and Natural Resources bill, delete "legalize the
11 growth, production, and transportation of industrial hemp in the state, and to declare an emergency"
12 and insert " implement a plan for hemp in South Dakota"

13 On the House Agriculture and Natural Resources bill, delete everything after the enacting
14 clause and insert:

15 "

16 **Section 11.** The State of South Dakota will implement a plan for hemp in South Dakota.

17 "

18 Which motion prevailed.

19 The question being "Shall **HB 1008** pass as amended?"

20 And the roll being called:

21 Yeas 25, Nays 9, Excused 1, Absent 0

22 Yeas:

23 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
24 Kennedy, Kolbeck, Lake, Langer, Ernie Otten, Partridge, Rusch, Schoenfish, V. J. Smith, Soholt,
25 Steinhauer, Sutton, White, Wismer, and Youngberg

26 Nays:

27 Klumb, Maher, Monroe, Nesiba, Novstrup, Russell, Schoenbeck, Stalzer, and Wiik

28 Excused:

29 Phil Jensen

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

32 **HB 1189:** FOR AN ACT ENTITLED, An Act to make an appropriation to expand rural access to
33 broadband services and to declare an emergency.

34 Was read the second time.

1 The question being "Shall **HB 1189** pass as amended?"

2 And the roll being called:

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

4 Yeas:

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

9 Excused:

10 Phil Jensen

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 **HB 1187**: FOR AN ACT ENTITLED, An Act to make an appropriation to upgrade the state radio
14 infrastructure system and to declare an emergency.

15 Was read the second time.

16 The question being "Shall **HB 1187** pass as amended?"

17 And the roll being called:

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

19 Yeas:

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

24 Excused:

25 Phil Jensen

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

28 **HB 1213**: FOR AN ACT ENTITLED, An Act to enhance education in South Dakota.

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

30 Sen. Wiik moved that **HB 1213** be amended as follows:

31 1213D

32 On page 1, line 1, of the Senate Education bill, delete "enhance education in South Dakota"
33 and insert "provide a transfer of funds for critical teaching needs scholarships and to declare an
34 emergency"

35 On the Senate Education bill, delete everything after the enacting clause and insert:

36 "

1 **Section 12.** On June 30, 2020, the state treasurer shall transfer from the general fund the
2 sum of one million one hundred twenty-five thousand dollars (\$1,125,000) to the education
3 enhancement trust fund. The earnings attributable to the amount transferred must be used to
4 increase funds available for the issuance of critical teaching needs scholarships, in accordance with
5 chapter 13-55.

6 **Section 13.** Whereas, this Act is necessary for the support of the state government and its
7 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
8 force and effect from and after its passage and approval.

9 "

10 Which motion prevailed.

11 The question being "Shall **HB 1213** pass as amended?"

12 And the roll being called:

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

14 Yeas:

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

19 Nays:

20 Russell

21 Excused:

22 Phil Jensen

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

25 There being no objection, the Senate reverted to Order of Business No. 7 - Messages from the
26 House.

27 **MESSAGES FROM THE HOUSE**

28 Mr. PRESIDENT:

29 I have the honor to inform your honorable body that the House has appointed
30 Representatives Herman Otten, Frye-Mueller, and Saba as a committee of three on the part of the
31 House to meet with a like committee on the part of the Senate to adjust the differences between
32 the two houses on **HB 1054**.

1 Also Mr. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed
3 Representatives Randolph, Rasmussen, and Lesmeister as a committee of three on the part of the
4 House to meet with a like committee on the part of the Senate to adjust the differences between
5 the two houses on **HCR 6012**.

6 Respectfully,
7 Mary Lou Goehring, Chief Clerk

8 **ANNOUNCEMENTS**

9 The President Pro Tempore has appointed Senators Youngberg, Brock Greenfield, and Heinert
10 as a committee of three on the part of the Senate to meet with a like committee on the part of the
11 House to adjust the differences between the two houses on **HB 1054**.

12 The President Pro Tempore has appointed Senators Bolin, Stalzer, and Kennedy as a committee
13 of three on the part of the Senate to meet with a like committee on the part of the House to adjust
14 the differences between the two houses on **HCR 6012**.

15 Senator Bolin rose to object to **SC 827** per JR 6H-4.

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 **SB 1:** FOR AN ACT ENTITLED, An Act to provide for the use of electronic communication in the
19 involuntary commitment process and to declare an emergency.

20 **SB 4:** FOR AN ACT ENTITLED, An Act to provide for the designation of an appropriate regional
21 facility by the Department of Social Services.

22 **SB 21:** FOR AN ACT ENTITLED, An Act to authorize temporary variable speed limits on state
23 highways under certain circumstances.

24 **SB 24:** FOR AN ACT ENTITLED, An Act to revise the fees for pesticide registration, private
25 applicator licenses, commercial applicator licenses, and pesticide dealer licenses.

26 **SB 113:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding instruction
27 permits and restricted minor's driving permits.

28 **SB 128:** FOR AN ACT ENTITLED, An Act to revise entities who may contribute to a political
29 committee.

30 **SB 137:** FOR AN ACT ENTITLED, An Act to revise provisions for repair, replacement, and
31 construction of sidewalks within a municipality.

32 **SB 146:** FOR AN ACT ENTITLED, An Act to revise provisions related to tribal identification
33 cards.

34 **SB 150:** FOR AN ACT ENTITLED, An Act to revise nonresident waterfowl licensure.

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

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

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

5 **SB 181:** FOR AN ACT ENTITLED, An Act to revise provisions regarding health benefit plans.

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

8 **HB 1094:** FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding permits for
9 concealed pistols.

10 **HB 1110:** FOR AN ACT ENTITLED, An Act to provide for a uniform template to be used by each
11 state agency in the conduct of performance management reviews.

12 **HB 1169:** FOR AN ACT ENTITLED, An Act to prohibit the use of certain electronic devices while
13 driving.

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

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

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

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

20 Sen. Langer moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
21 Tuesday, March 10th, the 34th legislative day.

22 Which motion prevailed.

23 Sen. Steinhauer moved that the Senate do now adjourn, which motion prevailed and at
24 4:50 p.m. the Senate adjourned.

25

Kay Johnson, Secretary

