

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

THIRTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 10, 2020

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Matt Spoden, followed by the Pledge of Allegiance led by Senate pages Gabriel Nelson and Jacey Orthaus.

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 thirty-third 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 9, 2020

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Mr. President and Members of the Senate:

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I have the honor to inform you that on March 9, 2020, I approved Senate Bill 22, and the same has been deposited in the office of the Secretary of State.

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Respectfully submitted,

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Kristi Noem

8

Governor

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REPORTS OF STANDING COMMITTEES

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Mr. PRESIDENT:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 17, 20, 25, 27, 33, 35, 36, 39, 41, 42, 43, 44, 45, 46, 47, 71, 81, 89, 91, 96, 98, 119, 120, 124, 135, 136, 139, 142, 148, 149, 156, 164, 167, and 169** and finds the same correctly enrolled.

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Respectfully submitted,

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Brock L. Greenfield, Chair

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Mr. PRESIDENT:

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The Committee on Legislative Procedure respectfully reports that **SB 56, 60, 61, 75, 170, and 174** were delivered to her Excellency, the Governor, for her approval at 8:50 a.m., March 10, 2020.

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Respectfully submitted,

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Brock L. Greenfield, Chair

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MESSAGES FROM THE HOUSE

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Mr. PRESIDENT:

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I have the honor to return herewith **SB 2, 18, 19, 26, 40, 55, 70, 73, 84, 97, 140, 151, 157, and 180** which have been amended by the House and your concurrence in the amendments is respectfully requested.

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Also Mr. PRESIDENT:

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I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1065 and 1166, and HCR 6003 and 6005.**

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31

Also Mr. PRESIDENT:

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I have the honor to inform your honorable body that **SB 144** was lost on second reading and final passage.

33

1 Also Mr. PRESIDENT:

2 I have the honor to return herewith **SB 17, 20, 25, 27, 33, 35, 36, 39, 41, 42, 43, 44, 45,**
3 **46, 47, 71, 81, 89, 91, 96, 98, 119, 120, 124, 135, 136, 139, 149, 156, 164, and 169** which
4 have passed the House without change.

5 Respectfully,
6 Mary Lou Goehring, Chief Clerk

7 **SIGNING OF BILLS**

8 The President publicly read the title to

9 **SB 17:** FOR AN ACT ENTITLED, An Act to make an appropriation for the plugging and surface
10 reclamation of natural gas wells and to declare an emergency.

11 **SB 20:** FOR AN ACT ENTITLED, An Act to create a monitor to review and respond to complaints
12 related to the care provided to youth in the custody or care of certain care facilities, treatment
13 centers, and programs.

14 **SB 25:** FOR AN ACT ENTITLED, An Act to establish certain requirements to maintain state
15 compliance with the Master Settlement Agreement.

16 **SB 27:** FOR AN ACT ENTITLED, An Act to establish a missing persons clearinghouse.

17 **SB 33:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to construct
18 a storage building located in Brown County, to make an appropriation therefor, and to declare an
19 emergency.

20 **SB 35:** FOR AN ACT ENTITLED, An Act to revise the appropriation for the State Veterans'
21 Cemetery and to declare an emergency.

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

24 **SB 39:** FOR AN ACT ENTITLED, An Act to establish the Jobs for South Dakota's Graduates
25 program and the special donation fund.

26 **SB 41:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
27 construction of a facilities building at the University of South Dakota and to make an appropriation
28 therefor.

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

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

35 **SB 44:** FOR AN ACT ENTITLED, An Act to authorize the use of crime victims' compensation
36 funds to reimburse law enforcement for certain emergency expenses incurred for victims.

37 **SB 45:** FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota Value
38 Added Finance Authority to the South Dakota Economic Development Finance Authority and the
39 South Dakota Board of Economic Development and to abolish the South Dakota Value Added Finance
40 Authority.

SB 46: FOR AN ACT ENTITLED, An Act to revise provisions related to the restoration to competency of criminal defendants.

SB 47: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sex offender registration statutes.

SB 71: FOR AN ACT ENTITLED, An Act to revise the offenses for which an order for interception of communications may be granted.

SB 81: FOR AN ACT ENTITLED, An Act to establish eligibility criteria for out-of-state health institutions to receive financing from the Health and Educational Facilities Authority.

SB 89: FOR AN ACT ENTITLED, An Act to revise provisions regarding victim's rights.

SB 91: FOR AN ACT ENTITLED, An Act to revise provisions regarding the salary for state's attorneys.

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

SB 98: FOR AN ACT ENTITLED, An Act to extend the notification period for possession of a concealed pistol in the state capitol.

SB 119: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding private placement insurance.

SB 120: FOR AN ACT ENTITLED, An Act to establish exceptions regarding the possession of a pistol by a minor.

SB 124: FOR AN ACT ENTITLED, An Act to to revise provisions regarding group pheasant hunts for disabled veterans.

SB 135: FOR AN ACT ENTITLED, An Act to increase the bid limit for certain public improvements.

SB 136: FOR AN ACT ENTITLED, An Act to authorize certain witnesses to be accompanied by a certified therapeutic dog in a criminal proceeding.

SB 139: FOR AN ACT ENTITLED, An Act to revise provisions regarding replacement nursing facilities.

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

SB 148: FOR AN ACT ENTITLED, An Act to adopt the Uniform Power of Attorney Act.

SB 149: FOR AN ACT ENTITLED, An Act to revise provisions regarding emblem specialty plates.

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

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

SB 167: FOR AN ACT ENTITLED, An Act to revise a provision regarding eligibility for the South Dakota opportunity scholarship.

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

HB 1069: FOR AN ACT ENTITLED, An Act to authorize certain veterans to attend courses offered at postsecondary technical institutes without payment of tuition.

HB 1077: FOR AN ACT ENTITLED, An Act to establish certain requirements regarding funeral processions.

HB 1089: FOR AN ACT ENTITLED, An Act to provide for the discharge of certain persons who received a suspended imposition of sentence for a misdemeanor.

HB 1103: FOR AN ACT ENTITLED, An Act to authorize the forensic medical examination of certain minor victims without parental or guardian consent.

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

HB 1117: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding riot, to establish the crime of incitement to riot, and to revise provisions regarding civil liability for riot and riot boosting.

HB 1123: FOR AN ACT ENTITLED, An Act to revise provisions regarding termination of a lease by a victim of alleged domestic abuse.

HB 1138: FOR AN ACT ENTITLED, An Act to establish shooting course requirements for current or former law enforcement officers seeking an enhanced permit to carry a concealed pistol.

HB 1154: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding motor vehicle license plates.

HB 1259: FOR AN ACT ENTITLED, An Act to clarify provisions regarding the discretionary formula for determining the assessed value of property for tax purposes.

HB 1264: FOR AN ACT ENTITLED, An Act to revise provisions regarding the procurement of public improvements.

And signed the same in the presence of the Senate.

MOTIONS AND RESOLUTIONS

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

Which motion prevailed and at 10:26 a.m., the Senate recessed.

RECESS

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

HCR 6020: A CONCURRENT RESOLUTION, Denouncing the National Education Association's recent policy to support "the fundamental right to abortion."

Was read the second time.

1 Sen. Langer moved that **HCR 6020** as found on page 397 of the House Journal be concurred
2 in.

3 The question being on Sen. Langer's motion that **HCR 6020** be concurred in.

4 And the roll being called:

5 Yeas 28, Nays 0, Excused 7, Absent 0

6 Yeas:

7 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Phil Jensen,
8 Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Rusch, Russell, Schoenbeck,
9 Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, and Youngberg

10 Excused:

11 Foster, Heinert, Kennedy, Nesiba, Partridge, Wiik, and Wismer

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion carried and **HCR 6020** was concurred in.

14 Sen. Stalzer moved that the Senate do not concur in House amendments to **SB 2** and that a
15 committee of three on the part of the Senate be appointed to meet with a like committee on the
16 part of the House to adjust the differences between the two houses.

17 Which motion prevailed and the President announced as such committee Senators Stalzer,
18 Soholt, and Nesiba.

19 Sen. Ewing moved that the Senate do concur in House amendments to **SB 186**.

20 The question being on Sen. Ewing's motion that the Senate do concur in House amendments
21 to **SB 186**.

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas:

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

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

31 Sen. Soholt moved that the Senate do concur in House amendments to **SB 18**.

32 The question being on Sen. Soholt's motion that the Senate do concur in House amendments
33 to **SB 18**.

34 And the roll being called:

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

1 Yeas:

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

6 Nays:

7 Phil Jensen and Russell

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

10 Sen. Soholt moved that the Senate do concur in House amendments to **SB 19**.

11 The question being on Sen. Soholt's motion that the Senate do concur in House amendments
12 to **SB 19**.

13 And the roll being called:

14 Yeas 33, Nays 2, Excused 0, 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, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik,
19 Wismer, and Youngberg

20 Nays:

21 Phil Jensen and Russell

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

24 Sen. Wiik moved that the Senate do not concur in House amendments to **SB 40** and that a
25 committee of three on the part of the Senate be appointed to meet with a like committee on the
26 part of the House to adjust the differences between the two houses.

27 Which motion prevailed and the President announced as such committee Senators Wiik, Klumb,
28 and Nesiba.

29 Sen. Maher moved that the Senate do concur in House amendments to **SB 55**.

30 The question being on Sen. Maher's motion that the Senate do concur in House amendments
31 to **SB 55**.

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, Heinert,
36 Phil 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, and Youngberg

39 Nays:

40 Wismer

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

3 Sen. V. J. Smith moved that the Senate do concur in House amendments to **SB 70**.

4 The question being on Sen. V. J. Smith's motion that the Senate do concur in House
5 amendments to **SB 70**.

6 And the roll being called:

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

8 Yeas:

9 Blare, Bolin, Castleberry, Curd, Duhamel, Foster, Brock Greenfield, Heinert, Kennedy, Klumb,
10 Kolbeck, Lake, Langer, Nesiba, Novstrup, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt,
11 Steinhauer, White, Wismer, and Youngberg

12 Nays:

13 Cammack, Ewing, Phil Jensen, Maher, Monroe, Ernie Otten, Partridge, Russell, Stalzer, Sutton,
14 and Wiik

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

17 Sen. Monroe moved that the Senate do not concur in House amendments to **SB 73** and that a
18 committee of three on the part of the Senate be appointed to meet with a like committee on the
19 part of the House to adjust the differences between the two houses.

20 Which motion prevailed and the President announced as such committee Senators Monroe,
21 Duhamel, and Foster.

22 Sen. Blare moved that the Senate do concur in House amendments to **SB 84**.

23 The question being on Sen. Blare's motion that the Senate do concur in House amendments to
24 **SB 84**.

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

27 Yeas:

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

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

34 Sen. Nesiba moved that the Senate do concur in House amendments to **SB 97**.

35 The question being on Sen. Nesiba's motion that the Senate do concur in House amendments
36 to **SB 97**.

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 Phil Jensen, Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Monroe, Nesiba, Novstrup, Ernie Otten,
6 Partridge, Rusch, Russell, Schoenbeck, Schoenfish, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik,
7 Wismer, and Youngberg

8 Excused:

9 V. J. Smith

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. Novstrup moved that the Senate do concur in House amendments to **SB 140**.

13 The question being on Sen. Novstrup's motion that the Senate do concur in House amendments
14 to **SB 140**.

15 And the roll being called:

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

17 Yeas:

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

22 Excused:

23 V. J. Smith

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

26 Sen. Stalzer moved that the Senate do concur in House amendments to **SB 151**.

27 The question being on Sen. Stalzer's motion that the Senate do concur in House amendments
28 to **SB 151**.

29 And the roll being called:

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

31 Yeas:

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

36 Nays:

37 Foster, Heinert, Nesiba, and Schoenfish

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

1 Sen. Stalzer moved that the Senate do concur in House amendments to **SB 180**.

2 The question being on Sen. Stalzer's motion that the Senate do concur in House amendments
3 to **SB 180**.

4 And the roll being called:

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

6 Yeas:

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

10 Nays:

11 Foster, Heinert, Phil Jensen, Kennedy, Nesiba, Partridge, Russell, Schoenfish, V. J. Smith,
12 Soholt, White, and Wismer

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

15 Sen. Langer moved that when we adjourn today, we adjourn to convene at 10:00 a.m., on
16 Wednesday, March 11, 2020, the 35th legislative day.

17 Which motion prevailed.

18 Sen. Novstrup moved that the Senate do now adjourn, which motion prevailed and at
19 2:17 p.m. the Senate adjourned.

20

Kay Johnson, Secretary