JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, March 30, 2020

The Senate convened at 11:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Jarvis Wipf, followed by the Pledge of Allegiance led by Senate President, Larry Rhoden.

Roll Call: All members present.

Sen. Langer moved that Joint Rules 2-2, 2-3, and 12-2 be suspended for the purpose of allowing the Senate to meet and to vote remotely.

The question being on Sen. Langer's motion that Joint Rules 2-2, 2-3, and 12-2 be suspended for the purpose of allowing the Senate to meet and to vote remotely.

And the roll being called:

Yeas 32, Nays 3, Excused 0, Absent 0

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

Nays:
Phil Jensen, Monroe, and Russell

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the motion carried, and the rules were suspended.

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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-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brock L. Greenfield, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

March 23, 2020

Dear Mr. President Rhoden and Members of the Senate:

I respectfully return Senate Bill 20 with the following recommendation as to STYLE and FORM. Senate Bill 20 is An Act to create a monitor to review and respond to complaints related to the care provided to youth in the custody or care of certain care facilities, treatment centers, and programs.

SB 20, in part, requires the Department of Social Services to designate a monitor to receive and resolve grievances related to quality of care provided to youth placed in the custody or care of certain facilities, ensuring that South Dakotans, specifically youth, have a designated individual to go to with complaints.

During the legislative process, SB 20 was amended on the Senate floor to specify that the monitor shall be a mandatory reporter; however, the drafting of the amendment causes confusion because it was added as a subsection that relates to custody or care facilities. In addition, subsection (3) of section 2 erroneously refers to "this section" when it should refer to "§ 26-6-1.2" for the definition of a shelter care facility.

To carry out the objective of this bill in a manner consistent with the Legislature's intent, I recommend the following Style and Form correction to the Enrolled version of Senate Bill 20:

On Page 1 in Section 2 in subdivision (3), delete "this section; or" and insert "§ 26-6-1.2.".

On Page 1 in Section 2 in subdivision (4), delete "(4)" making "The monitor shall be a mandatory reporter pursuant to § 26-8A-3." its own paragraph within section 2.

This clarification will ensure that the statute reads correctly and includes all intended requirements. I am not opposed to this legislation and hope this bill becomes law. I respectfully request that you concur with my recommendation as to Style and Form.

Respectfully submitted,
Kristi Noem
Governor

March 23, 2020

Dear Mr. President Rhoden and Members of the Senate:

I respectfully return Senate Bill 75 with the following recommendation as to STYLE and FORM. Senate Bill 75 is An Act to provide for a habitat stamp on hunting and fishing licenses.

Senate Bill 75 requires a person over age 18 to purchase a habitat stamp when purchasing a hunting or fishing license. During the legislative process, an amendment was added by the House Agriculture and Natural Resources committee that, in part, was intended to exempt disabled resident hunters and resident hunters held as prisoners of war from purchasing the habitat stamp. To carry this out, however, the Enrolled Bill errors in cross-referencing the combination license statute at "§ 41-6-10.1" instead of the disabled and POW hunter statute at "§ 41-6-10.2."

To give effect to the objective of this bill in a manner consistent with the Legislature's intent, I recommend the following Style and Form correction to the Enrolled version of Senate Bill 75:

On Page 1 on the first line after the catchline, after "Except as provided in", strike "§ 41-6-10.1" and insert "§ 41-6-10.2".

This change exempts disabled hunters from purchasing the habitat stamp as intended by Senate Bill 75 when it is implemented on July 1, 2020. I am not opposed to this legislation and hope this bill becomes law. I respectfully request you concur with my recommendation as to Style and Form.

Respectfully submitted,
Kristi Noem
Governor

March 16, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 16, 2020, I approved Senate Bills 80, 119, and 135, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 18, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 18, 2020, I approved Senate Bills 25, 26, 27, 44, 46, 47, 71, 89, 151, and 176, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 24, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 20, 2020, I approved Senate Bills 45, 55, 56, 70, 91, 137, 148, 149, 156, 157, 181, and 186, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 24, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 23, 2020, I approved Senate Bills 21, 39, 41, 42, 81, 142, 167, 170, and 174, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 24, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 24, 2020, I approved Senate Bills 2, 73, 84, 96, 124, 136, 139, 140, 146, 150, 155, 160, and 162, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 27, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 27, 2020, I approved Senate Bills 17, 33, 35, 36, 38, 40, and 113, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 25, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 25, 2020, I approved Senate Bills 61, 74, 98, 120, 128, 169, 180, and 183, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

March 26, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 26, 2020, I approved Senate Bills 18, 19, 24, 43, 60, 97, 161, and 164, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS

The Senate proceeded to the reconsideration of the recommendation of the Governor as to change of style and form of SB 20 as found on page 556 of the Senate Journal, as provided in Article IV, Section 4 of the Constitution of the State of South Dakota.

The question being "Shall the recommendation of the Governor as to change of style and form of SB 20 be approved?"

And the roll being called:

Yeas 33, Nays 1, Excused 1, Absent 0

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

Nays:
Monroe

Excused:
Phil Jensen

So the question having received an affirmative vote of a majority of the members-elect, the President declared the recommendation of the Governor as to change of style and form approved.

The Senate proceeded to the reconsideration of the recommendation of the Governor as to change of style and form of SB 75 as found on page 557 of the Senate Journal, as provided in Article IV, Section 4 of the Constitution of the State of South Dakota.

The question being "Shall the recommendation of the Governor as to change of style and form of SB 75 be approved?"

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 question having received an affirmative vote of a majority of the members-elect, the President declared the recommendation of the Governor as to change of style and form approved.

MOTIONS AND RESOLUTIONS

Sen. Langer moved that the rules be suspended for the sole purpose of introducing, giving first reading to, dispensing with committee referral, and placing on today's calendar bills relating to

An Act to revise certain provisions regarding reemployment assistance benefits in response to the Coronavirus Disease 2019 and to declare an emergency.

An Act to revise certain driver licensing requirements to allow for an extension during a statewide emergency or disaster and to declare an emergency.

An Act to account for educational opportunities provided to students during a state of emergency and to declare an emergency.

An Act to provide exemptions from certain requirements for the 2019-2020 school year and to declare an emergency.

An Act to create the small business economic disaster relief subfund, to provide for the transfer of certain funds into the subfund, to authorize the Economic Development Finance Authority to make a grant to the subfund, to provide for the continuous appropriation of the subfund, and to declare an emergency.

An Act to provide emergency authority to counties, community improvement districts, and municipalities in the event of a public health crisis and to declare an emergency.

An Act to revise certain requirements for absentee ballots and to declare an emergency.

An Act to revise Senate Bill 38, An Act to revise the General Appropriations Act for fiscal year 2020, as previously enacted by the Ninety-fifth Session of the South Dakota Legislature.

The question being on Sen. Langer’s motion that the rules be suspended for the sole purpose of introducing, giving first reading to, dispensing with referral to committee, and placing on today's calendar the proposed bills stated in the motion.

And the roll being called:

Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays:
Phil Jensen, Monroe, and Russell

Excused:
Rusch

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the motion carried, the rules were suspended, and the bills were so placed.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 187: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding reemployment assistance benefits in response to Coronavirus Disease 2019 and to declare an emergency.

Was read the second time.

The question being "Shall **SB 187** 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 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 190: FOR AN ACT ENTITLED, An Act to revise certain driver licensing requirements to allow for an extension during a statewide emergency or disaster and to declare an emergency.

Was read the second time.

The question being "Shall **SB 190** 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 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 188: FOR AN ACT ENTITLED, An Act to account for educational opportunities provided to students during a state of emergency and to declare an emergency.

Was read the second time.

The question being "Shall **SB 188** 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 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 189: FOR AN ACT ENTITLED, An Act to provide exemptions from certain requirements for the 2019-2020 school year and to declare an emergency.

Was read the second time.

The question being "Shall **SB 189** 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 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 192: FOR AN ACT ENTITLED, An Act to create the small business economic disaster relief subfund, to provide for the transfer of certain funds into the subfund, to authorize the Economic Development Finance Authority to make a grant to the subfund, to provide for the continuous appropriation of the subfund, and to declare an emergency.

Was read the second time.

The question being "Shall **SB 192** pass?"

And the roll being called:

Yeas 33, Nays 2, Excused 0, Absent 0

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

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

Nays:
Phil Jensen 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.

Sen. Langer moved to defer action on **SB 191** until later in the day.

Which motion prevailed.

Sen. Heinert moved that **SB 194** be placed to follow SB 193 on today's calendar.

Which motion prevailed.

SB 193: FOR AN ACT ENTITLED, An Act to revise Senate Bill 38, An Act to revise the General Appropriations Act for fiscal year 2020, as previously enacted by the Ninety-fifth Session of the South Dakota Legislature.

Was read the second time.

The question being "Shall **SB 193** pass?"

And the roll being called:

Yeas 33, Nays 2, Excused 0, Absent 0

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

Nays:
Phil Jensen 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.

Sen. Brock Greenfield moved to refer **SB 191** to the Committee of the Whole and the Committee of the Whole will meet at 2:45 p.m. today.

Which motion prevailed.

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has passed **HB 1013** over the veto of the Governor.

We hereby request your favorable consideration in passing **HB 1013**, the veto of the Governor notwithstanding.

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has passed **HB 1012** over the veto of the Governor.

We hereby request your favorable consideration in passing HB 1012, the veto of the Governor notwithstanding.

Respectfully,
Mary Lou Goehring, Chief Clerk

Sen. Langer moved that Senate do now recess until 2:45 p.m.

Which motion prevailed and at 1:33 p.m., the Senate recessed.

RECESS

The Senate reconvened at 2:45 p.m., the President presiding.

Sen. Langer moved that the Senate do now move into a Committee of the Whole pursuant to Joint Rules Chapter 9.

The question being on Sen. Langers's motion that the Senate do now move into a Committee of the Whole pursuant to Joint Rules Chapter 9.

And the roll being called:

Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays:
Phil Jensen, Ernie Otten, and Russell

Excused:
Maher

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

COMMITTEE OF THE WHOLE

Under the provisions of Joint Rules Chapter 9, the following persons testified on **SB 191**:

Proponents –
Paul Tenhaken, Mayor, Sioux Falls
Duane Sutton, Brown County Commissioner
Steve Allender, Mayor, Rapid City
Cindy Heiberger, Minnehaha County Commissioner, and President, SD County Commissioners
Eric Erickson, Registered Lobbyist, SD County Commissioners
Yvonne Taylor, SD Municipal League

Opponents –
Matt McCauley, Registered Lobbyist, Office of the Governor
Jenna Howell, Self, Pierre

Sen. Langer moved that the Committee of the Whole do now rise and that the Senate continue as the Senate.

Which motion prevailed.

Sen. Langer moved that Senate do now recess until 5:30 p.m.

Which motion prevailed and at 4:49 p.m., the Senate recessed.

RECESS

The Senate reconvened at 5:30 p.m., the President presiding.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 191: FOR AN ACT ENTITLED, An Act to provide emergency authority to counties, community improvement districts, and municipalities in the event of a public health crisis and to declare an emergency.

Was read the second time.

Sen. Soholt moved that **SB 191** be amended as follows:

191I

On page 3, line 9, of the Introduced bill, delete "July " and insert "March "

On page 3, line 16, of the Introduced bill, delete "Upon one reading a " and insert "A "

On page 3, line 19, of the Introduced bill, delete "July " and insert "March "

On page 3, line 21, of the Introduced bill, delete "Upon one reading a " and insert "A "

On page 3, line 24, of the Introduced bill, delete "July " and insert "March "

On page 3, line 27, of the Introduced bill, after "separately." delete "Section 6. Any local political subdivision order, resolution, or ordinance passed or enacted after March 1, 2020, that resulted in ordering the closure of or placed reasonable restrictions on the use of any public or private location, including a business, park, school, or other location that promotes public gathering to slow or prevent the spread of communicable diseases is deemed authorized as of the date of enactment."

On page 4, line 1, of the Introduced bill, delete "July " and insert "March "

Sen. Schoenbeck made a substitute motion to amend the amendment to **SB 191** and **SB 191** be amended as follows:

191J

On amendment (191I),

On page 3, line 10, delete "March " and insert "September "

On page 3, line 19, delete "March " and insert "September "

On page 3, line 25, delete "March " and insert "September "

The question being on Sen. Schoenbeck's substitute motion to amend the amendment.

And the roll being called:

Yeas 13, Nays 21, Excused 1, Absent 0

Yeas:
Blare, Castleberry, Curd, Duhamel, Lake, Maher, Monroe, Novstrup, Ernie Otten, Russell, Schoenbeck, Stalzer, and Youngberg

Nays:
Cammack, Ewing, Foster, Brock Greenfield, Heinert, Phil Jensen, Kennedy, Klumb, Kolbeck, Langer, Nesiba, Partridge, Rusch, Schoenfish, V. J. Smith, Soholt, Steinhauer, Sutton, White, Wiik, and Wismer

Excused:
Bolin

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

The question being on Sen. Soholt's motion to amend **SB 191**.

And the roll being called:

Yeas 27, Nays 8, Excused 0, Absent 0

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

Nays:
Foster, Heinert, Phil Jensen, Kennedy, Nesiba, Ernie Otten, Russell, and Wismer

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion prevailed.

The question being "Shall **SB 191** pass as amended?"

And the roll being called:

Yeas 30, Nays 5, Excused 0, Absent 0

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

Nays:
Phil Jensen, Monroe, Ernie Otten, Russell, and Schoenbeck

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 194: FOR AN ACT ENTITLED, An Act to revise certain requirements for absentee ballots and to declare an emergency.

Was read the second time.

The question being "Shall **SB 194** pass?"

And the roll being called:

Yeas 8, Nays 27, Excused 0, Absent 0

Yeas:
Blare, Foster, Heinert, Kennedy, Nesiba, Schoenfish, V. J. Smith, and Wismer

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

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

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to transmit herewith **HB 1295, 1296, and 1298** which have passed the House and your favorable consideration is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has approved **SB 20 and 75** as recommended by the Governor, pursuant to Article IV, Section 4, of the Constitution of the State of South Dakota, for changes as to style and form.

Respectfully,
Mary Lou Goehring, Chief Clerk

REPORTS OF STANDING COMMITTEES

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the House and Senate have, pursuant to the recommendation of the Governor as to corrections in style and form of **SB 75**, approved the recommendation and that the Office of Engrossing and Enrolling has engrossed the changes and has returned the same to her Excellency, the Governor, at 2:20 p.m., March 30, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the House and Senate have, pursuant to the recommendation of the Governor as to corrections in style and form of **SB 20**, approved the recommendation and that the Office of Engrossing and Enrolling has engrossed the changes and has returned the same to her Excellency, the Governor, at 2:20 p.m., March 30, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

Sen. Langer moved that the Senate do now recess until 7:15 p.m.

Which motion prevailed and at 6:40 p.m., the Senate recessed.

RECESS

The Senate reconvened at 7:15 p.m., the President presiding.

Sen. Langer moved that the rules be suspended for the sole purpose of giving first reading to, dispensing with committee referral, and to give second reading and final consideration to **HB 1295**, **1296**, and **1298**.

The question being on Sen. Langer's motion that the rules be suspended for the sole purpose of giving first reading to, dispensing with referral to committee, and to give second reading and final consideration to **HB 1295, 1296,** and **1298**.

And the roll being called:

Yeas 32, Nays 2, Excused 1, Absent 0

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

Nays:
Phil Jensen and Russell

Excused:
Wismer

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1295: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding contagious disease control and enforcement.

Was read the second time.

Sen. Langer moved that **HB 1295** be amended as follows:

1295D

On page 1, line 1, of the House bill, after "enforcement" insert " and to declare an emergency"

On page 1, line 7, of the House bill, delete "a coronavirus " and insert "severe acute "

On page 1, line 8, of the House bill, after "syndrome" insert " coronavirus 2, which causes the disease known as COVID-19"

On page 1, line 19, of the House bill, after "3. " insert "Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Which motion prevailed.

The question being "Shall **HB 1295** pass as amended?"

And the roll being called:

Yeas 34, Nays 1, 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, Partridge, Rusch, Russell, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, Wismer, and Youngberg

Nays:
Ernie Otten

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.

HB 1296: FOR AN ACT ENTITLED, An Act to revise the authority of the Governor in times of a disaster, act of terrorism, or emergency and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1296** pass as amended?"

And the roll being called:

Yeas 26, Nays 9, Excused 0, Absent 0

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

Nays:
Heinert, Phil Jensen, Kennedy, Monroe, Nesiba, Rusch, Russell, White, and Wismer

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.

HB 1298: FOR AN ACT ENTITLED, An Act to provide for the postponement of certain elections and to declare an emergency.

Was read the second time.

Sen. Schoenbeck moved that **HB 1298** be amended as follows:

1298F

On page 2, line 3, of the House bill, after "date." insert "

If further postponement is necessary due to public health concerns, the State Board of Elections may postpone any election, except the general election, to a date no later than August 31, 2020. The State Board of Elections shall provide the alternate dates on which the election may be held."

Which motion prevailed.

The question being "Shall **HB 1298** pass as amended?"

And the roll being called:

Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays:
Phil Jensen, Ernie Otten, and Russell

Excused:
Bolin

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.

CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS

The Senate proceeded to the reconsideration of **HB 1012**, pursuant to the veto of the Governor and the veto message found on page 604 on the House Journal as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

The question being "Shall **HB 1012** pass, the veto of the Governor notwithstanding?"

And the roll being called:

Yeas 22, Nays 13, Excused 0, Absent 0

Yeas:
Blare, Bolin, Curd, Ewing, Foster, Heinert, Phil Jensen, Kennedy, Lake, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Rusch, Russell, Schoenfish, Soholt, Stalzer, Steinhauer, Wismer, and Youngberg

Nays:
Cammack, Castleberry, Duhamel, Brock Greenfield, Klumb, Kolbeck, Langer, Partridge, Schoenbeck, V. J. Smith, Sutton, White, and Wiik

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

The Senate proceeded to the reconsideration of **HB 1013**, pursuant to the veto of the Governor and the veto message found on page 605 on the House Journal as provided in Article IV, Section 4, of the Constitution of the State of South Dakota.

The question being "Shall **HB 1013** pass, the veto of the Governor notwithstanding?"

And the roll being called:

Yeas 23, Nays 12, Excused 0, Absent 0

Yeas:
Blare, Bolin, Castleberry, Curd, Ewing, Foster, Heinert, Phil Jensen, Kennedy, Lake, Maher, Monroe, Nesiba, Novstrup, Ernie Otten, Rusch, Russell, Schoenfish, Soholt, Stalzer, Steinhauer, Wismer, and Youngberg

Nays:
Cammack, Duhamel, Brock Greenfield, Klumb, Kolbeck, Langer, Partridge, Schoenbeck, V. J. Smith, Sutton, White, and Wiik

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

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1295**.

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has failed to concur in Senate amendments to **HB 1298** and has appointed Representatives Gosch, Randolph, and Lesmeister as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

Also Mr. PRESIDENT:

I have the honor to inform your honorable body that **SB 191** was lost on second reading and final passage.

Also Mr. PRESIDENT:

I have the honor to return herewith **SB 192** which has been amended by the House and your concurrence in the amendments is respectfully requested.

Also Mr. PRESIDENT:

I have the honor to transmit herewith **SB 187, 188, 189, 190, and 193** which have passed the House without change.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Langer moved that the Senate do concur in House amendments to **SB 192**.

The question being on Sen. Langer's motion that the Senate do concur in House amendments to **SB 192**.

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Curd, Ewing, Foster, Brock Greenfield, Heinert, Phil Jensen, 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

Excused:
Duhamel, Russell, and Schoenbeck

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

ANNOUNCEMENTS

The President Pro Tempore announced Senators Brock Greenfield, Langer, and Heinert as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1298**.

REPORTS OF STANDING COMMITTEES

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 187, 188, 189, 190, 192, and 193** and finds the same correctly enrolled.

Respectfully submitted,
Brock L. Greenfield, Chair

SIGNING OF BILLS

The President publicly read the title to

SB 187: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding reemployment assistance benefits in response to Coronavirus Disease 2019 and to declare an emergency.

SB 188: FOR AN ACT ENTITLED, An Act to account for educational opportunities provided to students during a state of emergency and to declare an emergency.

SB 189: FOR AN ACT ENTITLED, An Act to provide exemptions from certain requirements for the 2019-2020 school year and to declare an emergency.

SB 190: FOR AN ACT ENTITLED, An Act to revise certain driver licensing requirements to allow for an extension during a statewide emergency or disaster and to declare an emergency.

SB 192: FOR AN ACT ENTITLED, An Act to create the small business economic disaster relief subfund, to provide for the transfer of certain funds into the subfund, to authorize the Economic Development Finance Authority to make a grant to the subfund, to provide for the continuous appropriation of the subfund, and to declare an emergency.

SB 193: FOR AN ACT ENTITLED, An Act to revise Senate Bill 38, An Act to revise the General Appropriations Act for fiscal year 2020, as previously enacted by the Ninety-fifth Session of the South Dakota Legislature.

HB 1295: FOR AN ACT ENTITLED, An Act to revise provisions regarding contagious disease control and enforcement and to declare an emergency.

HB 1296: FOR AN ACT ENTITLED, An Act to revise the authority of the Governor in times of a disaster, act of terrorism, or emergency and to declare an emergency.

And signed the same in the presence of the Senate.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT:

The Conference Committee on **HB 1298** respectfully reports that it has had under consideration **HB 1298** and returns the same with the recommendation that said bill be amended as follows:

1298G

On the Senate engrossed bill, delete the previously adopted amendment(s), thus restoring the bill to the House version.

And that as so amended, said bill do pass.

Respectfully submitted,
Spencer Gosch, Chair

Respectfully submitted,
Brock L. Greenfield, Chair

Sen. Brock Greenfield moved that the report of the Conference Committee on **HB 1298** as found on page 574 of the Senate Journal be adopted.

The question being on Sen. Brock Greenfield's motion that the report of the Conference Committee on **HB 1298** be adopted.

And the roll being called:

Yeas 27, Nays 5, Excused 3, Absent 0

Yeas:
Blare, Bolin, Cammack, Castleberry, Ewing, Foster, Brock Greenfield, Phil Jensen, Kennedy, Klumb, Kolbeck, Lake, Langer, Maher, Nesiba, Novstrup, Partridge, Rusch, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, White, Wiik, Wismer, and Youngberg

Nays:
Curd, Heinert, Monroe, Ernie Otten, and Sutton

Excused:
Duhamel, Russell, and Schoenbeck

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the motion carried and the report was adopted.

Sen. Phil Jensen moved to convene a disciplinary committee to investigate claims that Senator Langer is intoxicated and is tending to interrupt proceedings of both the House and Senate adjacent to South Dakota Codified Law 2-4-14, subsection 2.

President Rhoden moved that Sen. Phil Jensen's motion was out of order.

Sen. Phil Jensen appealed the ruling of the President.

The question being "Is the appeal of the ruling of the President supported?"

And the roll being called:

Yeas 4, Nays 26, Excused 5, Absent 0

Yeas:
Phil Jensen, Monroe, Ernie Otten, and Youngberg

Nays:
Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Heinert, Kennedy, Klumb, Kolbeck, Lake, Langer, Nesiba, Novstrup, Partridge, Rusch, Schoenfish, Soholt, Stalzer, Steinhauer, Sutton, White, Wiik, and Wismer

Excused:
Foster, Maher, Russell, Schoenbeck, and V. J. Smith

So the question having not received an affirmative vote of a majority of the members-elect, the President declared that the appeal of the ruling of the President was lost.

MESSAGES FROM THE HOUSE

Mr. PRESIDENT:

I have the honor to inform your honorable body that the House has adopted the report of the Conference Committee on **HB 1298**.

SIGNING OF BILLS

The President publicly read the title to

HB 1298: FOR AN ACT ENTITLED, An Act to provide for the postponement of certain elections and to declare an emergency.

And signed the same in the presence of the Senate.

REPORTS OF STANDING COMMITTEES

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 187, 188, 189, 190, 192, and 193** were delivered to her Excellency, the Governor, for her approval at 3:15 a.m., March 31, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

The following closing prayer was read by President Rhoden.

Dear Heavenly Father

You have been gracious to us. You have given us your word to guide us, You have given us your Son to Save us. You have been faithful when we have not. You have provided more than we deserve. In these uncertain times may those who do not know you find certainty in Jesus the rock of our salvation.

As this legislative season comes to a close it is with uncertainty for the future. Thank you that we can find peace in knowing that you reign over all the earth and that there is nothing too difficult for you. Your lovingkindness is everlasting.

I ask for your protection upon each of the legislators and their families. That in a few months they could meet in person and give thanks for your goodness.

As the Psalmist says - Psalm 33:18-22

Behold, the eye of the LORD is on those who fear Him,
On those who hope for His lovingkindness,
19 To deliver their soul from death
And to keep them alive in famine.
20 Our soul waits for the LORD;
He is our help and our shield.
21 For our heart rejoices in Him,
Because we trust in His holy name.
22 Let Your lovingkindness, O LORD, be upon us,
According as we have hoped in You.

Father our hope is in you our help and our shield – our Rock and our Salvation.

Amen

COMMUNICATIONS AND PETITIONS

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Governor has been informed that the Legislature has completed its labors and is ready to adjourn sine die and to ascertain if she has any further communications to make to the Legislature, and has been informed by her Excellency, the Governor, that she will not appear for the closing of the Ninety-fifth Legislative Session.

Sen. Greenfield moved that the Senate do now adjourn sine die, which motion prevailed, and at 3:40 a.m. the Senate adjourned.

Kay Johnson, Secretary