

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, March 01, 2021

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

The prayer was offered by the Chaplain, Father Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Kaitlynn Koll.

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 28th day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Lee A. Schoenbeck, Chair

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 35** and returns the same with the recommendation that said bill be amended as follows:

35C

On amendment (35A),

On page 1, line 5, after "the " insert "total "

35A

On page 1, line 5, of the Introduced bill, delete " \$4,026,253" and insert " \$4,161,502"

On page 1, line 6, of the Introduced bill, after "Revenue" insert " and the Department of Health"

On page 1, line 6, of the Introduced bill, after "the" delete " constitutional"

On page 1, line 7, of the Introduced bill, after "A," insert " related to the legalization, regulation, and taxation of marijuana, and Initiated Measure 26, related to the legalization of marijuana for medical use,"

On page 1, line 7, of the Introduced bill, after "election" delete ", related to the legalization, regulation, and taxation of marijuana"

On page 1, line 9, of the Introduced bill, after "marijuana." delete "Section 2. There is hereby appropriated from the general fund the sum of \$135,249 to the Department of Health for purposes of implementing the provisions contained in Initiated Measure 26, approved by the voters during the 2020 general election, related to the legalization of marijuana for medical use."

On page 1, line 14, of the Introduced bill, after "Act" insert " related to the Department of Revenue"

On page 1, line 16, of the Introduced bill, delete " 2" and insert " 1"

On page 1, line 16, of the Introduced bill, after "Act" insert " related to the Department of Health"

35B

On the previously adopted amendment (35A), On page 1, after line 20, insert "

Section 4. The Department of Revenue and Department of Health shall provide a detailed expense report to the Joint Committee on Appropriations and Interim Joint Committee on Appropriations for the expenses incurred in section 1 of this Act.

"

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 149** and returns the same with the recommendation that said bill be amended as follows:

1 149B

2 On page 1, line 11, of the Senate Taxation bill, after "schools" delete ", and assistance for costs
3 related to firefighter level I and II essentials course certification training"

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

5 Respectfully submitted,
6 Jean Hunhoff, Co-Chair

Respectfully submitted,
Chris Karr, Co-Chair

7 MR. PRESIDENT:

8 The Committee on Senate State Affairs respectfully reports that it has had under consideration
9 **SCR 607** and returns the same with the recommendation that said resolution do pass, and having
10 been certified as uncontested, be placed on the consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration
13 **HB 1126, and HCR 6009** which were deferred to the 41st Legislative Day.

14 Also MR. PRESIDENT:

15 The Committee on Senate State Affairs respectfully reports that it has had under consideration
16 **HB 1232, and HJR 5003** and returns the same with the recommendation that said bill and
17 resolution do pass.

18 Respectfully submitted,
19 Gary L. Cammack, Chair

20 Mr. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
22 Enrolling has carefully compared **SB 55** and finds the same correctly enrolled.

23 Respectfully submitted,
24 Lee A. Schoenbeck, Chair

25 MESSAGES FROM THE HOUSE

26 Mr. PRESIDENT:

27 I have the honor to transmit herewith **HB 1064, 1075, 1080, 1081, 1095, 1096, 1100,**
28 **1135, 1137, 1138, 1139, 1146, 1153, 1154, 1166, 1167, 1169, 1171, 1182, 1189, 1192,**
29 **1194, 1210, 1212, and 1237** which have passed the House and your favorable consideration is
30 respectfully requested.

31 Also Mr. PRESIDENT:

32 I have the honor to return herewith **SB 55** which has passed the House without change.

33 Respectfully,
34 Patricia Miller, Chief Clerk

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MOTIONS AND RESOLUTIONS

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Sen. Cammack moved that **HB 1199** be referred from the Senate Committee on Appropriations to the Committee on Judiciary.

4

Which motion prevailed.

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CONSIDERATION OF REPORTS OF COMMITTEES

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

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Joint Appropriations on **SB 99** as found on page 347 of the Senate Journal; also

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Joint Appropriations on **SB 191** as found on page 347 of the Senate Journal; also

9

Joint Appropriations on **SB 192** as found on page 348 of the Senate Journal be adopted.

10

Which motion prevailed and the reports were adopted.

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CONSIDERATION OF EXECUTIVE APPOINTMENTS

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The Senate proceeded to the consideration of the executive appointment of Julie Bartling of Gregory County, Gregory, South Dakota, to the South Dakota Building Authority.

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The question being "Does the Senate advise and consent to the executive appointment of Julie Bartling pursuant to the executive message as found on page 244 of the Senate Journal?"

16

And the roll being called:

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Yeas 35, Nays 0, Excused 0, Absent 0

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Yeas:

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Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

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FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1138: FOR AN ACT ENTITLED, An Act to revise provisions regarding the issuance of state park camping permits.

28

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

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HB 1064: FOR AN ACT ENTITLED, An Act to make an appropriation for and the establishment of peer support and critical incident stress management training for first responder organizations, and to declare an emergency.

1 **HB 1153:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
2 design and construction of a new dairy research and extension farm on the campus of South Dakota
3 State University, together with equipment and furnishings, to make an appropriation therefor, and
4 to declare an emergency.

5 **HB 1166:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance South Dakota
6 and to declare an emergency.

7 **HB 1167:** FOR AN ACT ENTITLED, An Act to make an appropriation to improve South Dakota
8 and to declare an emergency.

9 **HB 1169:** FOR AN ACT ENTITLED, An Act to make an appropriation for the benefit of South
10 Dakota and to declare an emergency.

11 **HB 1171:** FOR AN ACT ENTITLED, An Act to make an appropriation to promote South Dakota
12 and to declare an emergency.

13 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
14 to provide grant funding for a new bioproducts facility at the research park in Brookings, and to
15 declare an emergency.

16 **HB 1237:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purpose of funding
17 county and township roads and bridges and to declare an emergency.

18 Were read the first time and referred to the Senate Committee on Appropriations.

19 **HB 1146:** FOR AN ACT ENTITLED, An Act to establish qualifications for members of the Board
20 of Regents.

21 Was read the first time and referred to the Committee on Education.

22 **HB 1100:** FOR AN ACT ENTITLED, An Act to modify the medical marijuana program and to
23 create an interim committee to recommend implementation of the medical marijuana program.

24 **HB 1139:** FOR AN ACT ENTITLED, An Act to require that assisted living facilities create and
25 post visitation policies.

26 **HB 1154:** FOR AN ACT ENTITLED, An Act to prohibit employment contracts restricting
27 competitive health care practices.

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

29 **HB 1080:** FOR AN ACT ENTITLED, An Act to increase the enhanced penalty for the crime of
30 simple assault.

31 **HB 1081:** FOR AN ACT ENTITLED, An Act to increase the penalty for protection order
32 violations.

33 **HB 1096:** FOR AN ACT ENTITLED, An Act to provide a penalty for sexual contact with a minor
34 by a person holding a position of authority.

35 **HB 1194:** FOR AN ACT ENTITLED, An Act to authorize the review of certain executive orders
36 issued by the President of the United States.

1 **HB 1212:** FOR AN ACT ENTITLED, An Act to clarify the use of force.

2 Were read the first time and referred to the Committee on Judiciary.

3 **HB 1192:** FOR AN ACT ENTITLED, An Act to provide for the use of motorized foot scooters.

4 Was read the first time and referred to the Committee on Local Government.

5 **HB 1075:** FOR AN ACT ENTITLED, An Act to limit directives and incentives for extreme risk
6 protection orders and to provide a penalty.

7 **HB 1095:** FOR AN ACT ENTITLED, An Act to establish criteria regarding marijuana.

8 **HB 1135:** FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

9 **HB 1137:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in
10 South Dakota.

11 **HB 1182:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection
12 of public safety.

13 **HB 1189:** FOR AN ACT ENTITLED, An Act to establish a tribal flag display in the rotunda of the
14 capitol building.

15 Were read the first time and referred to the Committee on State Affairs.

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 **HB 1084:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duration of
18 restrictive contracts or declarations.

19 **HB 1179:** FOR AN ACT ENTITLED, An Act to provide for physician wellness programs.

20 **HB 1235:** FOR AN ACT ENTITLED, An Act to provide for the platting of certain land without
21 infrastructure requirements.

22 **HB 1258:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology
23 apprentice programs.

24 Were read the second time.

25 The question being "Shall **HB 1084, 1179, 1235, and 1258** pass as amended?"

26 And the roll being called:

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

28 Yeas:

29 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
30 Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
31 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
32 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

33 Nays:

34 Frye-Mueller

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

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

4 **SB 156:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
5 construction of a Mineral Industry Building and the demolition of the old Mineral Industry Building
6 on the campus of South Dakota School of Mines and Technology, to make an appropriation therefor,
7 and to declare an emergency.

8 Was read the second time.

9 The question being "Shall **SB 156** pass?"

10 And the roll being called:

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

12 Yeas:

13 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
14 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Kolbeck, Maher, Nesiba,
15 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
16 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

17 Nays:

18 Klumb

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

21 **SB 186:** FOR AN ACT ENTITLED, An Act to make an appropriation for behavioral and mental
22 health service support in crisis stabilization and to declare an emergency.

23 Was read the second time.

24 The question being "Shall **SB 186** pass?"

25 And the roll being called:

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

27 Yeas:

28 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
29 Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
30 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
31 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

32 Nays:

33 Frye-Mueller

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.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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2 **HB 1102:** FOR AN ACT ENTITLED, An Act to revise certain definitions for sex offender registry.

3 Was read the second time.

4 The question being "Shall **HB 1102** pass?"

5 And the roll being called:

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

7 Yeas:

8 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
9 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,
10 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
11 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

14 **HB 1203:** FOR AN ACT ENTITLED, An Act to authorize banks to engage in business with
15 industrial hemp or marijuana licensees and associated persons.

16 Was read the second time.

17 The question being "Shall **HB 1203** pass as amended?"

18 And the roll being called:

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

20 Yeas:

21 Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-
22 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
23 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton,
24 Symens, Tobin, Wheeler, Wiik, and Zikmund

25 Nays:

26 Bolin and Novstrup

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

29 **HB 1085:** FOR AN ACT ENTITLED, An Act to redefine the criteria for classifying land as
30 agricultural for tax purposes.

31 Was read the second time.

32 The question being "Shall **HB 1085** pass as amended?"

33 And the roll being called:

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

1 Yeas:
2 Bolin, Breitling, Cammack, Crabtree, Curd, Diedrich, Duhamel, Duvall, Brock Greenfield,
3 Hunhoff, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish,
4 V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

5 Nays:
6 Castleberry, Foster, Frye-Mueller, Heinert, Johns, David Johnson, and Nesiba

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

9 **SIGNING OF BILLS**

10 The President publicly read the title to

11 **SB 55:** FOR AN ACT ENTITLED, An Act to authorize certain innovative insurance products and
12 services through insurance innovation waivers.

13 **HB 1055:** FOR AN ACT ENTITLED, An Act to authorize certain children who are subject to a
14 military relocation to be eligible for registration with a state-approved distance learning provider.

15 **HB 1057:** FOR AN ACT ENTITLED, An Act to establish resident tuition requirements for
16 veterans and armed forces personnel and family members.

17 **HB 1066:** FOR AN ACT ENTITLED, An Act to authorize the transfer of wind energy tax revenue
18 from a school district general fund.

19 **HB 1074:** FOR AN ACT ENTITLED, An Act to limit the liability regarding authorized boiler
20 inspections.

21 **HB 1098:** FOR AN ACT ENTITLED, An Act to authorize the shipment of cigars to persons in
22 this state under certain conditions and to provide a penalty.

23 **HB 1113:** FOR AN ACT ENTITLED, An Act to revise certain references to the International
24 Building Code.

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

26 Sen. Wiik moved that the Senate do now adjourn, which motion prevailed and at 3:02 p.m.
27 the Senate adjourned.

28 Kay Johnson, Secretary

