

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 04, 2021

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Emily Munger, followed by the Pledge of Allegiance led by Senate pages Regan Simons and Isaac Trefz.

Roll Call: All members present except Sen. Stalzer 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 31st 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

1

COMMUNICATIONS AND PETITIONS

2

February 19, 2021

3

The Honorable Larry Rhoden

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

Pursuant to the provisions of Chapter 1-45 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have appointed Linda Olsen, Ziebach County,

10

Dupree, South Dakota, to the South Dakota Board of Education Standards.

11

This appointment is effective January 25, 2021, and shall continue until December 31, 2024.

12

13

14

Sincerely,
Kristi Noem
Governor

15

The President announced the referral of the appointment to the Committee on Education.

16

REPORTS OF STANDING COMMITTEES

17

President Pro Tem Schoenbeck appointed Senator Duvall as the Chair of the Senate

18

Legislative Redistricting Committee. The Secretary announced that Sen. Schoenbeck will not serve

19

on the committee.

20

MR. PRESIDENT:

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The Committee on Senate Judiciary respectfully reports that it has had under consideration

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HB 1140 and returns the same without recommendation.

23

24

Respectfully submitted,
Arthur Rusch, Chair

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MR. PRESIDENT:

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The Committee on Senate Education respectfully reports that it has had under consideration

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HB 1146, and HCR 6011 which were deferred to the 41st Legislative Day.

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Respectfully submitted,
R. Blake Curd, Chair

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MR. PRESIDENT:

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The Committee on Senate Health and Human Services respectfully reports that it has had

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under consideration **SCR 608** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **HB 1131 and 1154** and returns the same with the recommendation that said
4 bills do pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Health and Human Services respectfully reports that it has had
7 under consideration **HB 1100** and returns the same with the recommendation that said bill be
8 amended as follows:

9 1100L

10 On page 3, line 24, of the House bill, delete " 34-20G-95" and insert " 34-20G-17"

11 On page 3, line 24, of the House bill, after "inclusive," insert " §§ 34-20G-19 to 34-20G-50,
12 inclusive, and §§ 34-20G-52 to 34-20G-95, inclusive,"

13 On page 5, after line 5, of the House bill, insert "

14 **Section 5.** That § 34-20G-51 be AMENDED.

15 34-20G-51. [Effective July 1, 2021] Medical purpose defense to prosecution involving
16 cannabis.

17 Except as provided in § 34-20G-18 and this section, a person may assert the medical purpose
18 for using cannabis as a defense to any prosecution involving cannabis, and such defense is presumed
19 valid where the evidence shows that:

20 (1) A practitioner has stated that, in the practitioner's professional opinion, after having
21 completed a full assessment of the person's medical history and current medical condition made in
22 the course of a bona fide practitioner-patient relationship, the patient has a debilitating medical
23 condition and the potential benefits of using cannabis for medical purposes would likely outweigh
24 the health risks for the person;

25 (2) The person was in possession of no more than ~~three ounces of cannabis, the amount~~
26 ~~of cannabis products allowed by department rules, six cannabis plants minimum or as prescribed by~~
27 ~~a physician, and the cannabis produced by those plants;~~

28 (a) Three ounces of cannabis;

29 (b) A quantity of cannabis products containing no more than twenty-four grams of cannabis
30 concentrate or a greater amount if allowed by department rules;

31 (c) Six cannabis plants kept in or on the grounds of a single residence at one time and any
32 cannabis produced by those six plants provided that the cannabis is located at the same property
33 where the plants were cultivated; or

34 (d) Any combination of subsections (a), (b), or (c);

35 (3) The person was engaged in the acquisition, possession, use, manufacture,
36 cultivation, or transportation of cannabis, paraphernalia, or both, relating to the administration of
37 cannabis to treat or alleviate the person's debilitating medical condition or symptoms associated
38 with the person's debilitating medical condition; and

39 (4) Any cultivation of cannabis and storage of more than three ounces of cannabis
40 occurred in a secure location that only the person asserting the defense could access.

41 "

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

2 Also MR. PRESIDENT:

3 The Committee on Senate Health and Human Services respectfully reports that it has had
4 under consideration **HB 1139** and returns the same with the recommendation that said bill be
5 amended as follows:

6 1139I

7 On page 2, line 25, of the House bill, after "exists, " insert "a link to "

8 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
9 on the consent calendar.

10 Also MR. PRESIDENT:

11 The Committee on Senate Health and Human Services respectfully reports that it has had
12 under consideration **HCR 6015** and returns the same with the recommendation that said resolution
13 be concurred in.

14 Respectfully submitted,
15 Wayne H. Steinhauer, Chair

16 MR. PRESIDENT:

17 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
18 had under consideration **HB 1138, which was reconsidered, and HCR 6007** which were deferred
19 to the 41st Legislative Day.

20 Also MR. PRESIDENT:

21 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
22 had under consideration **SRD 901, and HB 1047, and HCR 6006** and returns the same with the
23 recommendation that said bill and resolutions do pass.

24 Also MR. PRESIDENT:

25 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
26 had under consideration **HB 1155** and returns the same with the recommendation that said bill do
27 pass, and having been certified as uncontested, be placed on the consent calendar.

28 Respectfully submitted,
29 Joshua Klumb, Vice-Chair

30 MR. PRESIDENT:

31 The Committee on Senate Judiciary respectfully reports that it has had under consideration
32 **HB 1080 and 1081** and returns the same with the recommendation that said bills do pass.

33 Also MR. PRESIDENT:

34 The Committee on Senate Judiciary respectfully reports that it has had under consideration
35 **HB 1194 and 1212** which were deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **HB 1096 and 1199** and returns the same with the recommendation that said bills do pass, and
4 having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Arthur Rusch, Chair

7 MR. PRESIDENT:

8 The Senate Committee on Appropriations respectfully reports that it has had under
9 consideration **HB 1153, 1210, and 1264** and returns the same with the recommendation that said
10 bills do pass.

11 Also MR. PRESIDENT:

12 The Senate Committee on Appropriations respectfully reports that it has had under
13 consideration **HB 1064** and returns the same with the recommendation that said bill be amended
14 as follows:

15 1064D

16 On page 1, line 7, of the House bill, delete "Department of Public Safety " and insert "Office of
17 the Attorney General "

18 On page 1, line 12, of the House bill, delete " secretary of public safety" and insert " attorney
19 general"

20 On page 1, line 12, of the House bill, delete "secretary " and insert "attorney general "

21 On page 2, line 2, of the House bill, delete "secretary " and insert "attorney general "

22 On page 2, line 3, of the House bill, delete " secretary" and insert " attorney general"

23 On page 2, line 3, of the House bill, delete "secretary " and insert "attorney general "

24 On page 2, line 5, of the House bill, delete "secretary " and insert "attorney general "

25 On page 2, line 7, of the House bill, after "The " delete "secretary "

26 On page 2, line 7, of the House bill, after "secretary " insert "attorney general "

27 On page 2, line 10, of the House bill, delete "secretary " and insert "attorney general "

28 On page 2, line 12, of the House bill, delete "commissioner " and insert "attorney general "

29 On page 2, line 22, of the House bill, delete " secretary" and insert " attorney general"

30 On page 2, line 32, of the House bill, after "the " delete "Department of Public Safety, for the
31 purposes of creating"

32 On page 2, line 32, of the House bill, after "creating " insert "Office of the Attorney General,
33 as an irrevocable gift, to create "

34 On page 2, line 32, of the House bill, after "endowment " delete "to provide ongoing moneys
35 for the heroes wellness grant, "

1 On page 3, line 2, of the House bill, after "endowment" delete ", held in trust and vested"

2 On page 3, line 2, of the House bill, delete the comma and insert ". The endowment shall be
3 subject to a gift agreement between the Office of the Attorney General and the South Dakota
4 Community Foundation"

5 On page 3, line 3, of the House bill, delete " Department of Public Safety" and insert " Office
6 of the Attorney General"

7 On page 3, line 5, of the House bill, after "endowment" delete ", to be administered in
8 accordance with the provisions of this Act"

9 On page 3, line 6, of the House bill, after "Act." insert " Any distributable income from this
10 endowment fund shall be deposited into the Office of the Attorney General's Law Enforcement Officer
11 Training fund."

12 On page 3, line 7, of the House bill, delete " Department of Public Safety" and insert " Office
13 of the Attorney General"

14 On page 3, line 8, of the House bill, after "grant" insert " and administrative expenses"

15 On page 3, line 11, of the House bill, delete "secretary of the Department of Public Safety "
16 and insert "attorney general "

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

18 Also MR. PRESIDENT:

19 The Senate Committee on Appropriations respectfully reports that it has had under
20 consideration **HB 1166** and returns the same with the recommendation that said bill be amended
21 as follows:

22 1166A

23 On page 1, line 4, of the Introduced bill, delete "\$1" and insert "\$2"

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

25 Also MR. PRESIDENT:

26 The Senate Committee on Appropriations respectfully reports that it has had under
27 consideration **HB 1167** and returns the same with the recommendation that said bill be amended
28 as follows:

29 1167B

30 On page 1, line 4, of the Introduced bill, delete "\$1" and insert "\$2"

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

32 Also MR. PRESIDENT:

33 The Senate Committee on Appropriations respectfully reports that it has had under
34 consideration **HB 1169** and returns the same with the recommendation that said bill be amended
35 as follows:

36 1169A

37 On page 1, line 1, of the Introduced bill, delete "benefit of South Dakota " and insert "arts "

1 On page 1, line 4, of the Introduced bill, delete " state, for purposes of benefiting the citizens
2 of South Dakota" and insert " South Dakota Arts Council to promote, stimulate, encourage,
3 recognize, and assist the arts"

4 On page 1, line 6, of the Introduced bill, delete " state" and insert " executive director of the
5 arts council"

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

7 Also MR. PRESIDENT:

8 The Senate Committee on Appropriations respectfully reports that it has had under
9 consideration **HB 1171** and returns the same with the recommendation that said bill be amended
10 as follows:

11 1171A

12 On page 1, line 4, of the Introduced bill, delete "\$1" and insert "\$2"

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

14 Also MR. PRESIDENT:

15 The Senate Committee on Appropriations respectfully reports that it has had under
16 consideration **HB 1237** and returns the same with the recommendation that said bill be amended
17 as follows:

18 1237C

19 On page 1, line 4, of the House Appropriations bill, delete "\$3,329,000" and insert "\$1"

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

21 Also MR. PRESIDENT:

22 The Senate Committee on Appropriations respectfully reports that it has had under
23 consideration **HB 1256** and returns the same with the recommendation that said bill be amended
24 as follows:

25 1256A

26 On page 1, after line 6, of the Introduced bill, insert "

27 **Section 2.** The Department of Environment and Natural Resources shall develop a plan to
28 implement best management practices in the Big Sioux River watershed and improve surface water
29 quality of the Big Sioux River with the funds appropriated in section 1 of this Act. The Department
30 of Environment and Natural Resources shall confer with stakeholders, including water development
31 districts, conservation districts, agricultural producer groups, local governments, other state
32 agencies, and other interested entities to develop and implement the plan. The Department of
33 Environment and Natural Resources shall provide public notice of the plan on the department's
34 website for a period of thirty days before implementation of the plan.

35 "

36 On page 1, after line 11, of the Introduced bill, insert "

37 **Section 5.** This Act is repealed December 31, 2025.

38 "

1 1256B

2 On the previously adopted amendment (1256A), On page 1, line 4, delete "\$20,000,000" and
3 insert "\$1"

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

5 Also MR. PRESIDENT:

6 The Senate Committee on Appropriations respectfully reports that it has had under
7 consideration **HB 1265** and returns the same with the recommendation that said bill be amended
8 as follows:

9 1265A

10 On page 1, line 5, of the Introduced bill, delete "\$3,200,000" and insert "\$800,000"

11 On page 1, line 7, of the Introduced bill, after "towers" delete "; and"

12 On page 1, line 8, of the Introduced bill, after "and" delete "(2) A sum of \$2,400,000 to expand
13 coverage of the state radio system in the Black Hills by adding additional state radio tower sites and
14 the necessary equipment and antenna systems for the radio towers to be operational"

15 1265C

16 On the previously adopted amendment (1265A), On page 1, line 1, after "the " delete "state "

17 On the previously adopted amendment (1265A), On page 1, line 5, after "of" insert "
18 reimbursing costs associated with the"

19 On the previously adopted amendment (1265A), On page 1, line 6, after "of " delete
20 "providing:"

21 On the previously adopted amendment (1265A), On page 1, line 7, delete "(1) A sum of
22 \$800,000 to purchase the necessary electronics and antenna systems to upgrade the equipment at
23 the Hot Springs and Reliance state radio towers" and insert " expansion of the radio system coverage
24 in the Black Hills through the addition of radio tower sites"

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

26 Also MR. PRESIDENT:

27 The Senate Committee on Appropriations respectfully reports that it has had under
28 consideration **HB 1267** and returns the same with the recommendation that said bill be amended
29 as follows:

30 1267C

31 On page 1, line 2, of the House Appropriations bill, delete "purchasing of equipment " and
32 insert "new facilities and renovation of existing facilities "

33 On page 1, line 4, of the House Appropriations bill, delete "\$1 " and insert "\$12,000,000 "

34 On page 1, line 5, of the House Appropriations bill, delete " purchasing equipment for the
35 technical colleges" and insert " constructing new facilities and purchasing and renovating existing
36 facilities for use by the technical colleges"

37 On page 1, line 6, of the House Appropriations bill, after "distribution" insert " of funding"

1 On page 1, line 6, of the House Appropriations bill, after "college" delete " to purchase new
2 equipment"

3 On page 1, line 11, of the House Appropriations bill, delete "2022" and insert " 2025"

4 1267D

5 On the previously adopted amendment (1267C), On page 1, line 2, after "equipment " insert
6 "construction of "

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

8 Also MR. PRESIDENT:

9 The Senate Committee on Appropriations respectfully reports that it has had under
10 consideration **HB 1279, 1280, and 1281** which were tabled.

11 Respectfully submitted,
12 Jean Hunhoff, Chair

13 Mr. PRESIDENT:

14 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
15 Enrolling has carefully compared **SB 70, 108, 111, 112, 138, 142, 150, 161, 168, 171, 178,**
16 **and 193** and finds the same correctly enrolled.

17 Respectfully submitted,
18 Lee A. Schoenbeck, Chair

19 **MESSAGES FROM THE HOUSE**

20 Mr. PRESIDENT:

21 I have the honor to return herewith **SB 70, 108, 111, 112, 138, 142, 161, 168, 171, and**
22 **193** which have passed the House without change.

23 Also Mr. PRESIDENT:

24 I have the honor to return herewith **SB 103** which has been amended by the House and your
25 concurrence in the amendments is respectfully requested.

26 Also Mr. PRESIDENT:

27 I have the honor to inform your honorable body that **SB 141** was lost on second reading and
28 final passage.

29 Also Mr. PRESIDENT:

30 I have the honor to transmit herewith **HB 1259** which has passed the House and your favorable
31 consideration is respectfully requested.

1 Also Mr. PRESIDENT:

2 I have the honor to transmit herewith **HCR 6012** which has been adopted by the House and
3 your concurrence 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 Patricia Miller, Chief Clerk

8 **MOTIONS AND RESOLUTIONS**

9 SENATE PAGE RESOLUTION 4 Introduced by: Senators Bolin; Breitling; Cammack;
10 Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock;
11 Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten,
12 Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens;
13 Tobin; Wheeler; Wiik; Zikmund

14 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-sixth
15 Legislature of the State of South Dakota to Sequoia Altamirano, Ellen Boomgarden,
16 Madeline Eich, Collin Engebretson, Claire Grismer, Paige Hoffman, Kaitlynn Koll, Delaney Pruitt,
17 Breanna Roth, Amanda Schroeder, Regan Simons, Isaac Trefz.

18 WHEREAS, the above named served loyally as pages for the Senate of the Ninety-sixth
19 Legislative Session; and

20 WHEREAS, the members of the Ninety-sixth Senate express their most sincere appreciation
21 to these young people for their service to the state; and

22 WHEREAS, the members extend to these young people their wishes for every success in life:

23 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-sixth Legislature of the
24 State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each
25 page on this last day of service.

26 Sen. Schoenbeck moved that Senate Page Resolution 4 be adopted.

27 The question being on Sen. Schoenbeck's motion that Senate Page Resolution 4 be adopted.

28 And the roll being called:

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

30 Yeas:

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

35 Excused:

36 Stalzer

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

1 Sen. Novstrup moved that the Senate do not concur in House amendments to **SB 77** and that
2 a committee of three on the part of the Senate be appointed to meet with a like committee on the
3 part of the House to adjust the differences between the two houses.

4 Which motion prevailed and the President announced as such committee Sens. Novstrup,
5 Symens, and Nesiba.

6 Sen. Diedrich moved that the Senate do concur in House amendments to **SB 123**.

7 The question being on Sen. Diedrich's motion that the Senate do concur in House amendments
8 to **SB 123**.

9 And the roll being called:

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

11 Yeas:

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

16 Excused:

17 Stalzer

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

20 **HCR 6013**: A CONCURRENT RESOLUTION, To protect our Second Amendment rights from
21 federal overreach using the official purpose provision of the REAL ID Act of 2005.

22 Was read the second time.

23 Sen. Frye-Mueller moved that **HCR 6013** as found on page 398 of the House Journal be
24 adopted.

25 The question being on Sen. Frye-Mueller's motion that **HCR 6013** be adopted.

26 And the roll being called:

27 Yeas 13, Nays 20, Excused 2, Absent 0

28 Yeas:

29 Diedrich, Frye-Mueller, Brock Greenfield, Heinert, David Johnson, Klumb, Kolbeck, Maher,
30 Herman Otten, Schoenfish, Sutton, Symens, and Tobin

31 Nays:

32 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Duhamel, Duvall, Foster, Hunhoff,
33 Johns, Nesiba, Novstrup, Rohl, Rusch, Schoenbeck, V. J. Smith, Steinhauer, Wheeler, and Zikmund

34 Excused:

35 Stalzer and Wiik

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

1 **HCR 6014:** A CONCURRENT RESOLUTION, To acknowledge and honor the Native American
2 children who were survivors of the boarding schools in this state.

3 Sen. Foster moved that **HCR 6014** as found on page 398 of House Journal be concurred in as
4 amended.

5 The question being on Sen. Foster's motion that **HCR 6014** be concurred in as amended.

6 And the roll being called:

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

8 Yeas:

9 Foster, Heinert, Kolbeck, Maher, Nesiba, Rohl, Schoenfish, V. J. Smith, and Tobin

10 Nays:

11 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-
12 Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Novstrup, Herman Otten, Rusch,
13 Schoenbeck, Steinhauer, Sutton, Symens, Wheeler, Wiik, and Zikmund

14 Excused:

15 Stalzer

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

18 **HCR 6012:** A CONCURRENT RESOLUTION, To encourage the Executive Board of the
19 Legislature to reauthorize the Mental Health of First Responders Task Force interim legislative study.

20 Was read the first time and the President waived the committee referral pursuant to Joint Rule
21 6D-1.

22 Sen. Sutton moved that the Committee on State Affairs be instructed to deliver **HB 1217** to
23 the floor of the Senate, pursuant to Joint Rule 7-7.

24 Sen. Sutton requested a roll call vote.

25 Which request was supported.

26 And the roll being called:

27 Yeas 16, Nays 18, Excused 1, Absent 0

28 Yeas:

29 Bolin, Cammack, Castleberry, Curd, Frye-Mueller, Brock Greenfield, David Johnson, Klumb,
30 Kolbeck, Maher, Novstrup, Sutton, Symens, Tobin, Wiik, and Zikmund

31 Nays:

32 Breitling, Crabtree, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Nesiba,
33 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, and Wheeler

34 Excused:

35 Stalzer

36 So the motion having received an affirmative vote of a one-third vote of the members-elect,
37 the President declared the motion was supported and the committee was so instructed.

- 1 Sen. Wiik moved that the Committee on Judiciary be instructed to deliver **HB 1212** to the floor
2 of the Senate, pursuant to Joint Rule 7-7.
- 3 Sen. Wiik requested a roll call vote.
- 4 Which request was supported.
- 5 And the roll being called:
- 6 Yeas 20, Nays 14, Excused 1, Absent 0
- 7 Yeas:
8 Cammack, Castleberry, Crabtree, Curd, Diedrich, Frye-Mueller, Brock Greenfield, David
9 Johnson, Klumb, Kolbeck, Maher, Novstrup, Rohl, Schoenfish, Steinhauer, Sutton, Symens, Tobin,
10 Wiik, and Zikmund
- 11 Nays:
12 Bolin, Breitling, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Nesiba, Herman Otten,
13 Rusch, Schoenbeck, V. J. Smith, and Wheeler
- 14 Excused:
15 Stalzer
- 16 So the motion having received an affirmative vote of a one-third vote of the members-elect,
17 the President declared the motion was supported and the committee was so instructed.
- 18 Sen. Symens moved that the Committee on State Affairs be instructed to deliver **HB 1075** to
19 the floor of the Senate, pursuant to Joint Rule 7-7.
- 20 Sen. Symens requested a roll call vote.
- 21 Which request was supported.
- 22 And the roll being called:
- 23 Yeas 12, Nays 22, Excused 1, Absent 0
- 24 Yeas:
25 Castleberry, Frye-Mueller, Brock Greenfield, David Johnson, Klumb, Maher, Novstrup, Rohl,
26 Sutton, Symens, Tobin, and Wiik
- 27 Nays:
28 Bolin, Breitling, Cammack, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert,
29 Hunhoff, Johns, Kolbeck, Nesiba, Herman Otten, Rusch, Schoenbeck, Schoenfish, V. J. Smith,
30 Steinhauer, Wheeler, and Zikmund
- 31 Excused:
32 Stalzer
- 33 So the motion having received an affirmative vote of a one-third vote of the members-elect,
34 the President declared the motion was supported and the committee was so instructed.
- 35 Sen. Cammack moved that **HB 1018, 1038, 1094, 1135, 1137, 1182, 1266, and 1273** be
36 deferred to Monday, March 8, 2021, the 33rd legislative day.
- 37 Which motion prevailed.

1 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 11:00 a.m. on
2 Monday, March 8th, the 33rd legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Sen. Cammack moved that the report of the Standing Committee on

6 Judiciary on **HB 1191** as found on page 388 of the Senate Journal be adopted.

7 Which motion prevailed and the report was adopted.

8 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

9 **HB 1259:** FOR AN ACT ENTITLED, An Act to make an appropriation for rural access
10 infrastructure improvements and to declare an emergency.

11 Was read the first time and the President waived the committee referral pursuant to Joint Rule
12 6D-1.

13 **SECOND READING OF CONSENT CALENDAR ITEMS**

14 **SCR 606:** 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 Week.

17 **HB 1061:** FOR AN ACT ENTITLED, An Act to prohibit smoking and consuming marijuana and
18 its derivatives in a motor vehicle and create a penalty therefor.

19 **HB 1114:** FOR AN ACT ENTITLED, An Act to provide a definition of abortion.

20 **HB 1124:** FOR AN ACT ENTITLED, An Act to modify certain requirements concerning the
21 printing of ballots.

22 **HB 1197:** FOR AN ACT ENTITLED, An Act to require the attorney general be licensed to
23 practice law in the state.

24 **HB 1204:** FOR AN ACT ENTITLED, An Act to revise criminal provisions regarding certain visual
25 recordings or photographic devices.

26 **HB 1261:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the training
27 curricula required of a person appointed as a guardian or a conservator.

28 Were read the second time.

29 The question being "Shall **HB 1061, 1124, and 1261** pass as amended, and **HB 1114, 1197,**
30 **and 1204** pass, and **SCR 606** be concurred in?"

31 And the roll being called:

32 Yeas 31, Nays 3, Excused 1, Absent 0

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

6 Nays:
7 Foster, Heinert, and Nesiba

8 Excused:
9 Stalzer

10 So the bills having received an affirmative vote of a majority of the members-elect, the
11 President declared the bills passed, the resolution concurred in, and the titles were agreed to.

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

13 **HB 1228:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and
14 to declare an emergency.

15 Was read the second time.

16 The question being "Shall **HB 1228** pass as amended?"

17 And the roll being called:

18 Yeas 27, Nays 6, Excused 2, Absent 0

19 Yeas:
20 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Foster, Frye-Mueller, Brock
21 Greenfield, Heinert, Johns, David Johnson, Klumb, Kolbeck, Nesiba, Novstrup, Herman Otten, Rohl,
22 Schoenbeck, Schoenfish, Steinhauer, Symens, Tobin, Wheeler, Wiik, and Zikmund

23 Nays:
24 Duhamel, Duvall, Hunhoff, Maher, Rusch, and Sutton

25 Excused:
26 V. J. Smith and Stalzer

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

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

30 Was read the second time.

31 Sen. Diedrich moved that **HB 1095** be laid on the table.

32 The question being on Sen. Diedrich's motion that **HB 1095** be laid on the table.

33 And the roll being called:

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

1 Yeas:
2 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
3 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,
4 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Steinhauer, Sutton,
5 Symens, Tobin, Wheeler, Wiik, and Zikmund

6 Excused:
7 V. J. Smith and Stalzer

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and **HB 1095** was tabled.

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

12 Was read the second time.

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

14 And the roll being called:

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

16 Yeas:
17 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
18 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,
19 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Steinhauer, Sutton,
20 Symens, Tobin, Wheeler, Wiik, and Zikmund

21 Excused:
22 V. J. Smith and Stalzer

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

25 **HB 1127**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding official
26 meetings conducted by teleconference.

27 Was read the second time.

28 The question being "Shall **HB 1127** pass?"

29 And the roll being called:

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

31 Yeas:
32 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
33 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,
34 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Steinhauer, Sutton,
35 Symens, Tobin, Wheeler, Wiik, and Zikmund

36 Excused:
37 V. J. Smith and Stalzer

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

1 **HB 1143:** FOR AN ACT ENTITLED, An Act to authorize certain municipalities to offer limited
2 incentives for industrial development.

3 Was read the second time.

4 The question being "Shall **HB 1143** pass?"

5 And the roll being called:

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

7 Yeas:

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

12 Nays:

13 Frye-Mueller

14 Excused:

15 V. J. Smith and Stalzer

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

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

19 Was read the second time.

20 The question being "Shall **HB 1192** pass as amended?"

21 And the roll being called:

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

23 Yeas:

24 Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-
25 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
26 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Steinhauer, Sutton, Symens, Tobin,
27 Wheeler, Wiik, and Zikmund

28 Nays:

29 Bolin

30 Excused:

31 V. J. Smith and Stalzer

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

1

SIGNING OF BILLS

2

The President publicly read the title to

3

4

SB 57: FOR AN ACT ENTITLED, An Act to revise the provisions regarding the South Dakota state employee health plan.

5

6

SB 86: FOR AN ACT ENTITLED, An Act to revise certain requirements regarding the review of initiated amendments to the Constitution and to declare an emergency.

7

8

SB 124: FOR AN ACT ENTITLED, An Act to provide protections for the exercise of religious freedom.

9

10

SB 135: FOR AN ACT ENTITLED, An Act to reform training requirements for law enforcement officers.

11

12

SB 171: FOR AN ACT ENTITLED, An Act to provide for the South Dakota Freedom Scholarship, make an appropriation therefor, and declare an emergency.

13

14

SB 177: FOR AN ACT ENTITLED, An Act to revise the provisions of parental choice regarding compulsory school attendance and matters ancillary thereto.

15

And signed the same in the presence of the Senate.

16

COMMEMORATIONS

17

18

19

SC 817: A LEGISLATIVE COMMEMORATION, Commending the South Dakota Army National Guard's 152nd Combat Sustainment Support Battalion of Brookings for being awarded the Major General Milton A. Reckord Trophy and General Walter T. Kerwin Jr. Award.

20

21

Introduced by: **Senators** Stalzer, Castleberry, Duvall, Brock Greenfield, Schoenbeck, V. J. Smith, Wiik, and Zikmund and **Representatives** Goodwin, Bartels, Chaffee, Duba, Finck, and Perry.

22

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24

SC 818: A LEGISLATIVE COMMEMORATION, Commending the South Dakota Air National Guard's 114th Fighter Wing of Sioux Falls for being awarded the Distinguished Flying Unit Plaque and the United States Air Force Outstanding Unit Award.

25

26

Introduced by: **Senators** Stalzer, Castleberry, Duvall, Brock Greenfield, Schoenbeck, V. J. Smith, Wiik, and Zikmund and **Representatives** Goodwin, Bartels, Chaffee, Duba, Finck, and Perry.

27

28

SC 819: A LEGISLATIVE COMMEMORATION, Honoring Master Sergeant Matt Smith of the South Dakota Air National Guard for receiving the Valley Forge Cross for Heroism.

29

30

Introduced by: **Senators** Stalzer, Castleberry, Duvall, Brock Greenfield, Schoenbeck, V. J. Smith, Wiik, and Zikmund and **Representatives** Goodwin, Bartels, Chaffee, Duba, Finck, and Perry.

