

# *JOURNAL OF THE SENATE*

## *NINETY-SIXTH SESSION*

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THIRTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, March 08, 2021

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

The prayer was offered by the Chaplain, Pastor David Mehlhaff, followed by the Pledge of Allegiance led by Senate pages Kerstyn Fast and Allison McManus.

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 32nd 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 The oath of office was administered by the President to the following named pages:

2 Kerstyn Fast, Nolan Hansen, Allison McManus, Amanda Schroeder, Madisen Vetter,  
3 Nora Winckler.

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

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
8 **HB 1212** and returns the same without recommendation.

9 Respectfully submitted,  
10 Arthur Rusch, Chair

11 MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
13 **HB 1217** and returns the same without recommendation.

14 Respectfully submitted,  
15 Gary L. Cammack, Chair

16 MR. PRESIDENT:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
18 **HB 1075** and returns the same without recommendation.

19 Respectfully submitted,  
20 Gary L. Cammack, Chair

21 Mr. PRESIDENT:

22 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
23 Enrolling has carefully compared **SB 44, 75, 79, 97, 123, 126, 139, 148, 164, 173, 175, 182,**  
24 **and 183** and finds the same correctly enrolled.

25 Respectfully submitted,  
26 Lee A. Schoenbeck, Chair

27 **MESSAGES FROM THE HOUSE**

28 Mr. PRESIDENT:

29 I have the honor to inform your honorable body that the House has concurred in Senate  
30 amendments to **HJR 5003**.

1 Also Mr. PRESIDENT:

2 I have the honor to return herewith **SB 44, 75, 79, 97, 126, 139, 148, 164, 173, 175, 182,**  
3 **and 183** which have passed the House without change.

4 Also Mr. PRESIDENT:

5 I have the honor to return herewith **SB 80 and 95** which have been amended by the House  
6 and your concurrence in the amendments is respectfully requested.

7 Also Mr. PRESIDENT:

8 I have the honor to inform your honorable body that the House has appointed  
9 Representatives Perry (Chair), Milstead, and Healy as a committee of three on the part of the House  
10 to meet with a like committee on the part of the Senate to adjust the differences between the two  
11 houses on **SB 77**.

12 Respectfully,  
13 Patricia Miller, Chief Clerk

14 **MOTIONS AND RESOLUTIONS**

15 **HCR 6006:** A CONCURRENT RESOLUTION, Urging efforts to increase competition and  
16 transparency among livestock packers.

17 Was read the second time.

18 Sen. Maher moved that **HCR 6006** as found on page 176 of the House Journal be concurred  
19 in as amended.

20 The question being on Sen. Maher's motion that **HCR 6006** be concurred in as amended.

21 And the roll being called:

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

23 Yeas:

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

28 Nays:  
29 Duvall

30 So the motion having received an affirmative vote of a majority of the members-elect, the  
31 President declared the motion carried and **HCR 6006** was concurred in as amended.

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

34 Was read the second time.

1 Sen. V. J. Smith moved that **HCR 6012** as found on page 398 of the House Journal be  
2 concurred in.

3 Sen. V. J. Smith moved that **HCR 6012** be amended as follows:

4 HCR6012A

5 On page 2, line 6, of the Introduced bill, after "of " delete "two bills, HB 1063 and "

6 On page 2, line 17, of the Introduced bill, after "of " delete "HB 1063 and "

7 Which motion prevailed.

8 The question being on Sen. V. J. Smith's motion that **HCR 6012** be concurred in as amended.

9 And the roll being called:

10 Yeas 35, Nays 0, Excused 0, 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, Stalzer,  
15 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

16 So the motion having received an affirmative vote of a majority of the members-elect, the  
17 President declared the motion carried and **HCR 6012** was concurred in as amended.

18 **HCR 6015:** A CONCURRENT RESOLUTION, To encourage the Executive Board of the  
19 Legislature to create an interim legislative study on mental health education in this state.

20 Was read the second time.

21 Sen. Stalzer moved that **HCR 6015** as found on page 398 of the House Journal be concurred  
22 in.

23 The question being on Sen. Stalzer's motion that **HCR 6015** be concurred in.

24 And the roll being called:

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

26 Yeas:

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

31 Nays:

32 Bolin

33 So the motion having received an affirmative vote of a majority of the members-elect, the  
34 President declared the motion carried and **HCR 6015** was concurred in.

1 Sen. Crabtree moved that the Senate do concur in House amendments to **SB 103**.

2 The question being on Sen. Crabtree's motion that the Senate do concur in House amendments  
3 to **SB 103**.

4 And the roll being called:

5 Yeas 35, Nays 0, Excused 0, Absent 0

6 Yeas:

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

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

13 **SRD 901**: A RESOLUTION OF DISAPPROVAL, Proposing to disapprove Executive Order 2021-  
14 03 as set forth on pages 52 to 64, inclusive, of the Senate Journal.

15 Was read the second time.

16 Sen. Heinert moved that **SRD 901** as found on page 349 of the Senate Journal be adopted.

17 The question being on Sen. Heinert's motion that **SRD 901** be adopted.

18 And the roll being called:

19 Yeas 17, Nays 18, Excused 0, Absent 0

20 Yeas:

21 Curd, Foster, Frye-Mueller, Brock Greenfield, Heinert, Johns, David Johnson, Maher, Nesiba,  
22 Herman Otten, Rohl, Rusch, Schoenbeck, V. J. Smith, Stalzer, Symens, and Zikmund

23 Nays:

24 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Hunhoff, Klumb,  
25 Kolbeck, Novstrup, Schoenfish, Steinhauer, Sutton, Tobin, Wheeler, and Wiik

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

28 Sen. Heinert announced his intention to reconsider the vote by which **SRD 901** lost.

29 Sen. Heinert moved that the rules be suspended for the sole purpose of introducing and  
30 calendaring the Theresa B. Two Bulls Commemoration.

31 The question being on Sen. Heinert's motion that the rules be suspended for the sole purpose  
32 of introducing and calendaring the Theresa B. Two Bulls Commemoration.

33 And the roll being called:

34 Yeas 35, Nays 0, Excused 0, 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, V. J. Smith, Stalzer,  
5 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

8 Sen. Cammack moved that **HB 1018, 1167, and 1171** be placed to follow HB 1237 on today's  
9 calendar.

10 Which motion prevailed.

11 Sen. Cammack moved that House bills listed "Without Recommendation" be placed in the  
12 following order: **HB 1140, 1212, 1217, and 1075**.

13 Which motion prevailed.

#### 14 **CONSIDERATION OF REPORTS OF COMMITTEES**

15 Sen. Cammack moved that the reports of the Standing Committees on  
16 Health and Human Services on **HB 1100** as found on page 407 of the Senate Journal; also  
17 Health and Human Services on **HB 1139** as found on page 408 of the Senate Journal; also  
18 Senate Appropriations on **HB 1064** as found on page 409 of the Senate Journal; also  
19 Senate Appropriations on **HB 1166** as found on page 410 of the Senate Journal; also  
20 Senate Appropriations on **HB 1167** as found on page 410 of the Senate Journal; also  
21 Senate Appropriations on **HB 1169** as found on page 410 of the Senate Journal; also  
22 Senate Appropriations on **HB 1171** as found on page 411 of the Senate Journal; also  
23 Senate Appropriations on **HB 1237** as found on page 411 of the Senate Journal; also  
24 Senate Appropriations on **HB 1256** as found on page 411 of the Senate Journal; also  
25 Senate Appropriations on **HB 1265** as found on page 412 of the Senate Journal; also  
26 Senate Appropriations on **HB 1267** as found on page 412 of the Senate Journal be adopted.  
27 Which motion prevailed and the reports were adopted.

28 Sen. Cammack moved that **HB 1140** be placed on today's calendar and be heard immediately.

29 The question being on Sen. Cammack's motion that **HB 1140** be placed on today's calendar  
30 and be heard immediately.

1 And the roll being called:

2 Yeas 21, Nays 14, Excused 0, Absent 0

3 Yeas:

4 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Frye-Mueller, Brock Greenfield,  
5 Heinert, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Schoenfish, Stalzer, Sutton, Symens,  
6 Tobin, Wiik, and Zikmund

7 Nays:

8 Diedrich, Duhamel, Duvall, Foster, Hunhoff, Johns, Nesiba, Herman Otten, Rohl, Rusch,  
9 Schoenbeck, V. J. Smith, Steinhauer, and Wheeler

10 So the motion having received an affirmative vote of a majority of the members-elect, the  
11 President declared the motion carried and **HB 1140** was so placed.

12 **HB 1140**: FOR AN ACT ENTITLED, An Act to restrict the entry of conservation officers onto  
13 certain private land without permission.

14 Was read the second time.

15 Sen. Cammack moved that **HB 1140** be amended as follows:

16 1140A

17 On page 1, line 8, of the Introduced bill, after "has" insert " a warrant or has"

18 On page 1, line 20, of the Introduced bill, after "officer." delete "Any evidence obtained  
19 pursuant to a search or seizure conducted in violation of this Act is inadmissible in any administrative  
20 or judicial proceeding.

21 Any arrest made pursuant to a search or seizure conducted in violation of this Act is invalid.

22 "

23 Which motion prevailed.

24 The question being "Shall **HB 1140** pass as amended?"

25 And the roll being called:

26 Yeas 21, Nays 14, Excused 0, Absent 0

27 Yeas:

28 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duvall, Frye-Mueller, Brock  
29 Greenfield, Heinert, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Schoenfish, Sutton, Symens,  
30 Tobin, and Wiik

31 Nays:

32 Duhamel, Foster, Hunhoff, Johns, Nesiba, Herman Otten, Rohl, Rusch, Schoenbeck, V. J.  
33 Smith, Stalzer, Steinhauer, Wheeler, and Zikmund

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

1 Sen. Wiik moved that **HB 1212** be placed on today's calendar and be heard immediately.

2 The question being on Sen. Wiik's motion that **HB 1212** be placed on today's calendar and be  
3 heard immediately.

4 And the roll being called:

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

6 Yeas:

7 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Frye-Mueller, Brock  
8 Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Rohl, Schoenfish, Stalzer, Steinhauer,  
9 Sutton, Symens, Tobin, Wiik, and Zikmund

10 Nays:

11 Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Nesiba, Herman Otten, Rusch, Schoenbeck,  
12 V. J. Smith, and Wheeler

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 President declared the motion carried and **HB 1212** was so placed.

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

16 Was read the second time.

17 The question being "Shall **HB 1212** pass as amended?"

18 And the roll being called:

19 Yeas 21, Nays 14, Excused 0, Absent 0

20 Yeas:

21 Bolin, Cammack, Castleberry, Crabtree, Diedrich, Frye-Mueller, Brock Greenfield, David  
22 Johnson, Klumb, Maher, Novstrup, Herman Otten, Rohl, Schoenfish, Stalzer, Steinhauer, Sutton,  
23 Symens, Tobin, Wiik, and Zikmund

24 Nays:

25 Breitling, Curd, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Kolbeck, Nesiba, Rusch,  
26 Schoenbeck, V. J. Smith, and Wheeler

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 Sen. Sutton moved that **HB 1217** be placed on today's calendar and be heard immediately.

30 The question being on Sen. Sutton's motion that **HB 1217** be placed on today's calendar and  
31 be heard immediately.

32 And the roll being called:

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

34 Yeas:

35 Bolin, Breitling, Cammack, Castleberry, Curd, Frye-Mueller, Brock Greenfield, David Johnson,  
36 Klumb, Kolbeck, Maher, Novstrup, Stalzer, Sutton, Symens, Tobin, Wiik, and Zikmund

1 Nays:  
2 Crabtree, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Nesiba, Herman Otten,  
3 Rusch, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, and Wheeler

4 Excused:  
5 Rohl

6 So the motion having received an affirmative vote of a majority of the members-elect, the  
7 President declared the motion carried and **HB 1217** was so placed.

8 **HB 1217**: FOR AN ACT ENTITLED, An Act to promote continued fairness in women's sports.

9 Was read the second time.

10 The question being "Shall **HB 1217** pass as amended?"

11 And the roll being called:

12 Yeas 20, Nays 15, Excused 0, Absent 0

13 Yeas:  
14 Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Frye-Mueller, Brock Greenfield,  
15 David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Stalzer, Sutton, Symens, Tobin,  
16 Wiik, and Zikmund

17 Nays:  
18 Curd, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Nesiba, Rohl, Rusch, Schoenbeck,  
19 Schoenfish, V. J. Smith, Steinhauer, and Wheeler

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

22 Sen. Symens moved that **HB 1075** be placed on today's calendar and be heard immediately.

23 The question being on Sen. Symens' motion that **HB 1075** be placed on today's calendar and  
24 be heard immediately.

25 And the roll being called:

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

27 Yeas:  
28 Castleberry, Frye-Mueller, Brock Greenfield, David Johnson, Klumb, Maher, Novstrup, Stalzer,  
29 Sutton, Symens, Tobin, and Wiik

30 Nays:  
31 Bolin, Breitling, Cammack, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert,  
32 Hunhoff, Johns, Kolbeck, Nesiba, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith,  
33 Steinhauer, Wheeler, and Zikmund

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

1

**SECOND READING OF CONSENT CALENDAR ITEMS**

2

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

3

4

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

5

6

**HB 1155:** FOR AN ACT ENTITLED, An Act to remove certain restrictions on gifts of agricultural land.

7

8

**HB 1191:** FOR AN ACT ENTITLED, An Act to allow an expedited process for local intergovernmental legal disputes.

9

10

**HB 1199:** FOR AN ACT ENTITLED, An Act to establish the Office of Liaison for Missing and Murdered Indigenous Persons.

11

12

Were read the second time.

13

The question being "Shall **HB 1096, 1139, and 1191** pass as amended, and **HB 1155 and 1199** pass?"

14

15

And the roll being called:

16

Yeas 33, Nays 2, Excused 0, Absent 0

17

Yeas:

18

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

19

20

21

22

Nays:

23

Breitling and Maher

24

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

25

26

Sen. Cammack moved that Senate do now recess until 2:30 p.m.

27

Which motion prevailed and at 1:47 p.m., the Senate recessed.

28

**RECESS**

29

The Senate reconvened at 3:40 p.m., the President presiding.

30

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

31

**HB 1038:** FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and declare an emergency.

32

33

34

Was read the second time.

1 The question being "Shall **HB 1038** pass?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

4 Yeas:

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

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

11 **HB 1273**: FOR AN ACT ENTITLED, An Act to transfer funds to the health care trust fund and  
12 to declare an emergency.

13 Was read the second time.

14 The question being "Shall **HB 1273** pass?"

15 And the roll being called:

16 Yeas 30, Nays 5, Excused 0, Absent 0

17 Yeas:

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

21 Nays:

22 Heinert, Nesiba, Herman Otten, Schoenbeck, and Schoenfish

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

25 **HB 1266**: FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of  
26 information technology servers and infrastructure of state government and to declare an emergency.

27 Was read the second time.

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

29 And the roll being called:

30 Yeas 30, Nays 4, Excused 1, Absent 0

31 Yeas:

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

36 Nays:

37 Foster, Brock Greenfield, Heinert, and Nesiba

1 Excused:  
2 Hunhoff

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

5 **HB 1094:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the municipal  
6 zoning and appeals process.

7 Was read the second time.

8 The question being "Shall **HB 1094** pass as amended?"

9 And the roll being called:

10 Yeas 30, Nays 5, Excused 0, Absent 0

11 Yeas:  
12 Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Brock Greenfield,  
13 Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Rusch,  
14 Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik,  
15 and Zikmund

16 Nays:  
17 Bolin, Foster, Frye-Mueller, Heinert, and Nesiba

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

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

22 Was read the second time.

23 Sen. Bolin moved that **HB 1100** be amended as follows:

24 1100P

25 On the Senate Health and Human Services engrossed bill, delete the previously adopted  
26 amendment(s), thus restoring the bill to the House version.

27 Sen. Nesiba requested a roll call vote.

28 Which request was supported.

29 And the roll being called:

30 Yeas 9, Nays 26, Excused 0, Absent 0

31 Yeas:  
32 Bolin, Cammack, Duhamel, Duvall, David Johnson, Novstrup, Sutton, Wiik, and Zikmund

33 Nays:  
34 Breitling, Castleberry, Crabtree, Curd, Diedrich, Foster, Frye-Mueller, Brock Greenfield,  
35 Heinert, Hunhoff, Johns, Klumb, Kolbeck, Maher, Nesiba, Herman Otten, Rohl, Rusch, Schoenbeck,  
36 Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, and Wheeler

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

3 Sen. Curd moved that **HB 1100** be amended as follows:

4 1100N

5 On page 1, line 1, of the Senate Health and Human Services bill, delete " and" and insert a  
6 comma

7 On page 1, line 2, of the Senate Health and Human Services bill, after "program" insert ", and  
8 to remove and clarify penalties for marijuana use under certain circumstances"

9 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

10 **Section 10.** That § 22-42-1 be AMENDED.

11 22-42-1. Definitions.

12 Terms used in this chapter mean:

- 13 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a drug  
14 or substance, listed in Schedules I through IV. The term includes an altered state of a  
15 drug or substance listed in Schedules I through IV absorbed into the human body;
- 16 (2) "Counterfeit substance," a controlled drug or substance which, or the container of  
17 labeling of which, without authorization, bears the trade-mark, trade name, or other  
18 identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer,  
19 distributor, or dispenser other than the person or persons who manufactured, distributed,  
20 or dispensed such substance and which thereby falsely purports or is represented to be  
21 the product of, or to have been distributed by, such other manufacturer, distributor, or  
22 dispenser;
- 23 (3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug, substance,  
24 or marijuana whether or not there exists an agency relationship;
- 25 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human  
26 research subject by or pursuant to the lawful order of a practitioner, including the  
27 prescribing, administering, packaging, labeling, or compounding necessary to prepare  
28 the substance for such delivery, and a dispenser is one who dispenses;
- 29 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution means  
30 the delivery of a controlled drug, substance, or marijuana;
- 31 (6) "Manufacture," the production, preparation, propagation, compounding, or processing of  
32 a controlled drug or substance, either directly or indirectly by extraction from substances  
33 of natural origin, or independently by means of chemical synthesis or by a combination  
34 of extraction and chemical synthesis. A manufacturer includes any person who packages,  
35 repackages, or labels any container of any controlled drug or substance, except  
36 practitioners who dispense or compound prescription orders for delivery to the ultimate  
37 user;
- 38 (7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in its  
39 natural and unaltered state, except for drying or curing and crushing or crumbling. The  
40 term includes an altered state of marijuana absorbed into the human body. The term  
41 does not include fiber produced from the mature stalks of such plant, or oil or cake made  
42 from the seeds of such plant. The term does not include the plant Cannabis sativa L. and  
43 any part of that plant, including the seeds thereof and all derivatives, extracts,  
44 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a

1 delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent  
2 on a dry weight basis;

3 (8) "Marijuana concentrate," the resin extracted from any part of a marijuana plant and  
4 every compound, manufacture, salt, derivative, mixture, or preparation from such resin;

5 (9)"Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary  
6 medicine licensed to practice his profession, or pharmacists licensed to practice their  
7 profession; physician's assistants certified to practice their profession; government  
8 employees acting within the scope of their employment; and persons permitted by  
9 certificates issued by the Department of Health to distribute, dispense, conduct research  
10 with respect to, or administer a substance controlled by chapter 34-20B;

11 (~~9~~)(10) "Precursor" or "immediate precursor," a substance which the Department of  
12 Health has found to be and by rule designates as being a principal compound commonly  
13 used or produced primarily for use, and which is an immediate chemical intermediary  
14 used or likely to be used, in the manufacture of a controlled drug or substance, the  
15 control of which is necessary to prevent, curtail, or limit such manufacture;

16 (~~10~~)(11) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of  
17 drugs, substances, and immediate precursors listed in chapter 34-20B;

18 (~~11~~)(12) "Ultimate user," a person who lawfully possesses a controlled drug or substance  
19 for that person's own use or for the use of a member of that person's household or for  
20 administration to an animal owned by that person or by a member of that person's  
21 household.

22 "

23 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

24 **Section 11.** That § 22-42-5 be AMENDED.

25 22-42-5. Unauthorized possession of controlled drug or substance as felony.

26 No person may knowingly possess a controlled drug or substance unless the substance was  
27 obtained directly or pursuant to a valid prescription or order from a practitioner, while acting in the  
28 course of the practitioner's professional practice or except as otherwise authorized by chapter 34-  
29 20B or § 22-42-5.2. A charge for unauthorized possession of controlled substance when absorbed  
30 into the human body as set forth in subdivision 22-42-1(1) shall only be charged under the  
31 provisions of § 22-42-5.1. A violation of this section for a substance in Schedules I or II is a Class  
32 5 felony. A violation of this section for a substance in Schedule III and IV is a Class 6 felony.

33 "

34 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

35 **Section 12.** That § 22-42-5.1 be AMENDED.

36 22-42-5.1. Unauthorized ingestion of controlled drug or substance as felony.

37 No person may knowingly ingest a controlled drug or substance or have a controlled drug or  
38 substance in an altered state in the body unless the substance was obtained directly or pursuant to  
39 a valid prescription or order from a practitioner, while acting in the course of the practitioner's  
40 professional practice or except as otherwise authorized by chapter 34-20B or § 22-42-15.2. A  
41 violation of this section for a substance in Schedules I or II is a Class 5 felony. A violation of this  
42 section for a substance in Schedules III or IV is a Class 6 felony.

43 "

1 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

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

3 22-42-5.2. Possession of certain amount of marijuana concentrate not a criminal offense  
4 under certain circumstances.

5 For any person twenty-one years of age or older, it is not a violation of § 22-42-5 to possess  
6 eight grams of marijuana concentrate or less.

7 "

8 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

9 **Section 14.** That § 22-42-6 be AMENDED.

10 22-42-6. Possession of marijuana prohibited--Degrees according to amount.

11 ~~No~~ Except as provided in § 22-42-6.1, no person may knowingly possess marijuana. It is a  
12 Class 1 misdemeanor to possess two ounces of marijuana or less. It is a Class 6 felony to possess  
13 more than two ounces of marijuana but less than one-half pound of marijuana. It is a Class 5 felony  
14 to possess one-half pound but less than one pound of marijuana. It is a Class 4 felony to possess  
15 one to ten pounds of marijuana. It is a Class 3 felony to possess more than ten pounds of marijuana.  
16 A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a violation  
17 of this section not to exceed ten thousand dollars.

18 "

19 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

20 **Section 15.** That a NEW SECTION be added:

21 22-42-6.1. Possession of certain amount of marijuana not a criminal offense under certain  
22 circumstances.

23 For any person twenty-one years of age or older, it is not a violation of § 22-42-6 to possess  
24 one ounce or less of marijuana.

25 "

26 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

27 **Section 16.** That a NEW SECTION be added:

28 22-42-7.1. Open and public use of marijuana or marijuana concentrate--Civil penalty.

29 No person may openly consume or display one ounce or less of marijuana or eight grams or  
30 less of marijuana concentrate in a public place other than an area licensed for such activity under  
31 the laws of this state. The court may impose a civil penalty for a violation of this section not to  
32 exceed one hundred dollars. Any civil penalty collected pursuant to this section shall be deposited  
33 into the state general fund.

34 "

35 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

36 **Section 17.** That § 22-42-15 be AMENDED.

1 22-42-15. Ingesting substance, except alcoholic beverages, for the purpose of becoming  
2 intoxicated as misdemeanor--Venue for violation.

3 Any person who intentionally ingests, inhales, or otherwise takes into the body any substance,  
4 except alcoholic beverages as defined in § 35-1-1 or marijuana or any derivative of marijuana  
5 pursuant to § 22-42-15.2, for purposes of becoming intoxicated, unless such substance is prescribed  
6 by a practitioner of the medical arts lawfully practicing within the scope of the practitioner's practice,  
7 is guilty of a Class 1 misdemeanor. The venue for a violation of this section exists in either the  
8 jurisdiction in which the substance was ingested, inhaled, or otherwise taken into the body or the  
9 jurisdiction in which the substance was detected in the body of the accused.

10 "

11 On page 10, after line 4, of the Senate Health and Human Services bill, insert "

12 **Section 18.** That a NEW SECTION be added:

13 22-42-15.2. Ingesting marijuana or derivative of marijuana not a criminal offense under  
14 certain circumstances.

15 For any person twenty-one years of age or older, it is not a violation of § 22-42-5.1 or 22-42-  
16 15 to ingest marijuana. For purposes of this section, marijuana includes all parts of any plant of the  
17 genus cannabis, whether growing or not, and any derivative thereof.

18 "

19 Sen. Rohl requested a roll call vote.

20 Which request was supported.

21 And the roll being called:

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

23 Yeas:

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

28 Nays:

29 Bolin, Cammack, Novstrup, and Wiik

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

32 Sen. Tobin moved that **HB 1100** be amended as follows:

33 1100M

34 On page 8, line 30, of the Senate Health and Human Services bill, after "attorney" delete " and  
35 one attorney from the Office of the Attorney General"

36 On page 8, line 32, of the Senate Health and Human Services bill, after "from" delete " each  
37 of"

38 On page 8, line 32, of the Senate Health and Human Services bill, delete "Departments" and  
39 insert " Department"

1 On page 8, line 32, of the Senate Health and Human Services bill, after "Health" delete "  
2 Revenue, and Public Safety"

3 On page 9, line 1, of the Senate Health and Human Services bill, after "practitioner " delete  
4 "and one nurse"

5 On page 9, line 4, of the Senate Health and Human Services bill, delete "or" and insert " and"  
6 Which motion prevailed.

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

8 And the roll being called:

9 Yeas 29, Nays 6, Excused 0, Absent 0

10 Yeas:

11 Breitling, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock  
12 Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Rohl, Rusch,  
13 Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, Wheeler, and Zikmund

14 Nays:

15 Bolin, Cammack, Novstrup, Herman Otten, Sutton, and Wiik

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 1131**: FOR AN ACT ENTITLED, An Act to authorize primary care agreements.

19 Was read the second time.

20 The question being "Shall **HB 1131** pass?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

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

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

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

32 Was read the second time.

33 The question being "Shall **HB 1154** pass as amended?"

34 And the roll being called:

35 Yeas 19, Nays 16, Excused 0, Absent 0

1 Yeas:  
2 Bolin, Castleberry, Curd, Foster, Frye-Mueller, Brock Greenfield, Klumb, Kolbeck, Maher,  
3 Novstrup, Rohl, Rusch, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wiik, and Zikmund

4 Nays:  
5 Breitling, Cammack, Crabtree, Diedrich, Duhamel, Duvall, Heinert, Hunhoff, Johns, David  
6 Johnson, Nesiba, Herman Otten, Schoenbeck, Schoenfish, V. J. Smith, and Wheeler

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 Sen. Cammack moved that **HB 1259** be placed to precede **HB 1267** on today's calendar.

10 Which motion prevailed.

11 **HB 1047**: FOR AN ACT ENTITLED, An Act to provide limited deer and antelope licenses to  
12 landowners.

13 Was read the second time.

14 The question being "Shall **HB 1047** pass as amended?"

15 And the roll being called:

16 Yeas 27, Nays 8, Excused 0, Absent 0

17 Yeas:  
18 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
19 Mueller, Brock Greenfield, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Rusch,  
20 Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Wheeler, Wiik, and Zikmund

21 Nays:  
22 Foster, Heinert, Hunhoff, Nesiba, Herman Otten, Rohl, Schoenbeck, and Tobin

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

27 Was read the second time.

28 The question being "Shall **HB 1080** pass as amended?"

29 And the roll being called:

30 Yeas 26, Nays 8, Excused 1, Absent 0

31 Yeas:  
32 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Brock  
33 Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Novstrup, Herman Otten, Schoenbeck,  
34 Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Tobin, Wiik, and Zikmund

35 Nays:  
36 Foster, Frye-Mueller, Heinert, Maher, Nesiba, Rusch, Symens, and Wheeler

1 Excused:  
2 Rohl

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

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

7 Was read the second time.

8 The question being "Shall **HB 1081** pass as amended?"

9 And the roll being called:

10 Yeas 30, Nays 4, 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, Novstrup,  
14 Herman Otten, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin,  
15 Wiik, and Zikmund

16 Nays:  
17 Maher, Nesiba, Rusch, and Wheeler

18 Excused:  
19 Rohl

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

22 Sen. Cammack moved that **HB 1153** be placed to follow **HB 1237** on today's calendar.

23 Which motion prevailed.

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

27 Was read the second time.

28 The question being "Shall **HB 1210** pass as amended?"

29 And the roll being called:

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

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

1 Excused:  
2 Frye-Mueller, Rohl, and Schoenbeck

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

5 **HB 1264:** FOR AN ACT ENTITLED, An Act to make appropriations from the water and  
6 environment fund and its revolving fund subfunds for various water and environmental purposes  
7 and to declare an emergency.

8 Was read the second time.

9 The question being "Shall **HB 1264** pass?"

10 And the roll being called:

11 Yeas 34, Nays 0, Excused 1, 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, Klumb, Kolbeck, Maher,  
15 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton,  
16 Symens, Tobin, Wheeler, Wiik, and Zikmund

17 Excused:  
18 Schoenbeck

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

24 Was read the second time.

25 The question being "Shall **HB 1064** pass as amended?"

26 And the roll being called:

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

28 Yeas:

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

33 Excused:  
34 Schoenbeck

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

1

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**SIGNING OF BILLS**

2

The President publicly read the title to

3

4

**SB 44:** FOR AN ACT ENTITLED, An Act to authorize, regulate, and tax wagering on sporting events within the city limits of Deadwood and provide a penalty for a violation thereof.

5

6

**SB 70:** FOR AN ACT ENTITLED, An Act to revise and reorganize certain provisions regarding the assessment of property for the purposes of taxation.

7

8

**SB 75:** FOR AN ACT ENTITLED, An Act to correct an error in a statutory cross-reference within the Uniform Limited Liability Company Act.

9

**SB 79:** FOR AN ACT ENTITLED, An Act to make certain uses of laser pointers unlawful.

10

11

**SB 85:** FOR AN ACT ENTITLED, An Act to modify the composition of the Retirement Laws Committee.

12

13

**SB 97:** FOR AN ACT ENTITLED, An Act to modify provisions regarding the State-Tribal Relations Committee.

14

15

**SB 100:** FOR AN ACT ENTITLED, An Act to continue the prohibition on the seizure of firearms and ammunitions.

16

**SB 108:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to cooperatives.

17

18

**SB 109:** FOR AN ACT ENTITLED, An Act to authorize certain interstate shipments of distilled spirits, to provide for the collection of taxes, and to establish certain penalties.

19

**SB 111:** FOR AN ACT ENTITLED, An Act to reduce the fee for permits to carry concealed pistols.

20

21

**SB 112:** FOR AN ACT ENTITLED, An Act to establish requirements for filling the vacancies of certain constitutional offices.

22

23

**SB 123:** FOR AN ACT ENTITLED, An Act to require a comment period for the attorney general's statement regarding initiated measures and initiated amendments.

24

25

**SB 126:** FOR AN ACT ENTITLED, An Act to establish the crime of possession, manufacturing, or distribution of obscene dolls.

26

27

**SB 138:** FOR AN ACT ENTITLED, An Act to provide flexibility for certain municipal budget provisions.

28

**SB 139:** FOR AN ACT ENTITLED, An Act to increase the base salary for certain judges.

29

30

**SB 142:** FOR AN ACT ENTITLED, An Act to modify the meeting place and notice requirements for county commission meetings.

31

32

**SB 148:** FOR AN ACT ENTITLED, An Act to establish the crime of torture of a human trafficking victim and provide a penalty therefor.

33

34

**SB 150:** FOR AN ACT ENTITLED, An Act to clarify the penalty for using fireworks in violation of a county resolution, and to declare an emergency.

35

**SB 152:** FOR AN ACT ENTITLED, An Act to authorize counties to issue off-sale liquor licenses.

36

37

**SB 161:** FOR AN ACT ENTITLED, An Act to revise the qualifications to serve as a trustee of a county road district.

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- 1       **SB 164:** FOR AN ACT ENTITLED, An Act to modify the process for civil forfeiture.
- 2       **SB 168:** FOR AN ACT ENTITLED, An Act to revise the population requirement for appointment  
3 of coroners.
- 4       **SB 173:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to competency  
5 hearings.
- 6       **SB 174:** FOR AN ACT ENTITLED, An Act to revise provisions related to the automatic removal  
7 of certain charges or convictions from a defendant's public record.
- 8       **SB 175:** FOR AN ACT ENTITLED, An Act to remove certain eligibility requirements for the  
9 partners in education tax credit program.
- 10       **SB 178:** FOR AN ACT ENTITLED, An Act to prohibit certain insurers from using genetic  
11 information.
- 12       **SB 182:** FOR AN ACT ENTITLED, An Act to revise provisions regarding owner occupied dwelling  
13 requirements.
- 14       **SB 183:** FOR AN ACT ENTITLED, An Act to declare certain contract provisions regarding  
15 abortion as unenforceable and to provide a penalty therefor.
- 16       **SB 184:** FOR AN ACT ENTITLED, An Act to require the sorting of absentee ballots.
- 17       **SB 193:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding remote  
18 notarization.
- 19       **HB 1013:** FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for  
20 elderly persons and persons with a disability and to declare an emergency.
- 21       **HB 1017:** FOR AN ACT ENTITLED, An Act to to revise the appropriation for the construction of  
22 a cold storage building located in Sioux Falls and to declare an emergency.
- 23       **HB 1020:** FOR AN ACT ENTITLED, An Act to make an appropriation to continue the veteran's  
24 bonus program and to declare an emergency.
- 25       **HB 1021:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health  
26 care professionals who have complied with the requirements for certain health care recruitment  
27 assistance programs and to declare an emergency.
- 28       **HB 1026:** FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of  
29 extraordinary litigation expenses and to declare an emergency.
- 30       **HB 1039:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to  
31 suppression of wildfires in the state and to declare an emergency.
- 32       **HB 1065:** FOR AN ACT ENTITLED, An Act to adopt the emergency medical personnel licensure  
33 interstate compact.
- 34       **HB 1084:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duration of  
35 restrictive contracts or declarations.
- 36       **HB 1085:** FOR AN ACT ENTITLED, An Act to redefine the criteria for classifying land as  
37 agricultural for tax purposes.
- 38       **HB 1102:** FOR AN ACT ENTITLED, An Act to revise certain definitions for sex offender registry.
- 39       **HB 1110:** FOR AN ACT ENTITLED, An Act to prohibit the performance of abortions due to Down  
40 syndrome and to provide a penalty therefor.



1 On page 1, line 6, of the Senate Appropriations bill, delete "state " and insert "executive  
2 director of the South Dakota Ellsworth Development Authority "

3 Which motion prevailed.

4 The question being "Shall **HB 1166** pass as amended?"

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 two-thirds majority of the members-elect,  
13 the President declared the bill passed and the title was agreed to.

14 **HB 1169:** FOR AN ACT ENTITLED, An Act to make an appropriation for the arts and to declare  
15 an emergency.

16 Was read the second time.

17 Sen. Nesiba moved that **HB 1169** be amended as follows:

18 1169C

19 On page 1, line 3, of the Senate Appropriations bill, after "of" delete " \$1"

20 On page 1, line 3, of the Senate Appropriations bill, after "\$1 " insert "\$250,000 "

21 Which motion prevailed.

22 The question being "Shall **HB 1169** pass as amended?"

23 And the roll being called:

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

25 Yeas:

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

30 Nays:

31 Frye-Mueller and Maher

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

34 **HB 1256:** FOR AN ACT ENTITLED, An Act to make an appropriation for the cleanup of the Big  
35 Sioux watershed and River and to declare an emergency.

36 Was read the second time.

1 Sen. Hunhoff moved that **HB 1256** be amended as follows:

2 1256C

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

4 Which motion prevailed.

5 The question being "Shall **HB 1256** pass as amended?"

6 And the roll being called:

7 Yeas 29, Nays 6, Excused 0, Absent 0

8 Yeas:

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

13 Nays:

14 Klumb, Maher, Novstrup, Rohl, Schoenfish, and Wiik

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

17 **HB 1265:** FOR AN ACT ENTITLED, An Act to make an appropriation for the improvement of  
18 the radio system in South Dakota and to declare an emergency.

19 Was read the second time.

20 The question being "Shall **HB 1265** pass as amended?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

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

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

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

32 Was read the second time.

33 Sen. Crabtree moved that **HB 1259** be amended as follows:

34 1259H

35 On page 1, line 14, of the House bill, delete " first of each year for two years, starting in 2022"  
36 and insert " 1, 2022"

1 On page 4, line 16, of the House bill, delete "\$9,000,000 " and insert "\$6,000,000 "

2 Which motion prevailed.

3 The question being "Shall **HB 1259** pass as amended?"

4 And the roll being called:

5 Yeas 35, Nays 0, Excused 0, Absent 0

6 Yeas:

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

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

13 **HB 1267**: FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
14 Education for the construction of new facilities and renovation of existing facilities and to declare an  
15 emergency.

16 Was read the second time.

17 Sen. Wiik moved that **HB 1267** be laid on the table.

18 And the roll being called:

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

20 Yeas:

21 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
22 Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Novstrup, Rohl, Rusch, V. J. Smith,  
23 Steinhauer, Sutton, Symens, Tobin, Wheeler, and Wiik

24 Nays:

25 Foster, Heinert, Klumb, Kolbeck, Maher, Nesiba, Herman Otten, Schoenbeck, Schoenfish,  
26 Stalzer, and Zikmund

27 So the motion having received an affirmative vote of a majority of the members-elect, the  
28 President declared the motion carried and **HB 1267** was tabled.

## 29 **SIGNING OF BILLS**

30 The President publicly read the title to

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

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

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

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

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

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

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

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

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

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

14 **HJR 5003:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next primary  
15 election a new section to Article XI of the Constitution of the State of South Dakota, relating to a  
16 three-fifths vote requirement for certain initiated or Legislature-proposed constitutional  
17 amendments and initiated or Legislature-referred measures.

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

19 Sen. Cammack moved that **HB 1018** be placed to precede **HB 1153** on today's calendar.

20 Which motion prevailed.

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

22 **HB 1018:** FOR AN ACT ENTITLED, An Act to authorize the construction of a National Guard  
23 Readiness Center in Sioux Falls, to make an appropriation therefor, and to declare an emergency.

24 Was read the second time.

25 Sen. Sutton moved that **HB 1018** be amended as follows:

26 1018B

27 On page 1, line 11, of the House Military and Veterans Affairs bill, delete " \$5,000,000" and  
28 insert "\$500,000"

29 Which motion prevailed.

30 The question being "Shall **HB 1018** pass as amended?"

31 And the roll being called:

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

33 Yeas:

34 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,  
35 Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher,

1 Nesiba, Novstrup, Herman Otten, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
2 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

3 Excused:  
4 Rohl

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

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

11 Was read the second time.

12 Sen. Wiik moved that **HB 1153** be amended as follows:

13 1153G

14 On page 1, line 11, of the House Appropriations bill, delete "\$1" and insert "\$7,500,000"

15 On page 1, line 12, of the House Appropriations bill, delete "\$1" and insert "\$7,500,000"

16 On page 1, line 23, of the House Appropriations bill, delete "Notwithstanding §§ 5-14-2 to 5-  
17 14-4, inclusive, the Board of Regents shall supervise the design and construction of the project  
18 authorized in this Act." and insert "The administration of the design and construction of the project  
19 authorized in this Act shall be under the general charge and supervision of the Bureau of  
20 Administration as provided in chapter 5-14."

21 Which motion prevailed.

22 The question being "Shall **HB 1153** pass as amended?"

23 And the roll being called:

24 Yeas 30, Nays 5, Excused 0, Absent 0

25 Yeas:

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

30 Nays:

31 Foster, Frye-Mueller, Klumb, Maher, and Symens

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

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

36 Was read the second time.

1 Sen. Duvall moved that **HB 1237** be laid on the table.

2 And the roll being called:

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

4 Yeas:

5 Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,  
6 Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Rusch,  
7 Schoenbeck, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Wheeler, Wiik, and Zikmund

8 Nays:

9 Frye-Mueller, Heinert, Nesiba, Herman Otten, Rohl, Schoenfish, and Tobin

10 So the motion having received an affirmative vote of a majority of the members-elect, the  
11 President declared the motion carried and **HB 1237** was tabled.

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

14 Was read the second time.

15 Sen. Hunhoff moved that **HB 1137** be laid on the table.

16 And the roll being called:

17 Yeas 35, Nays 0, Excused 0, Absent 0

18 Yeas:

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

23 So the motion having received an affirmative vote of a majority of the members-elect, the  
24 President declared the motion carried and **HB 1137** was tabled.

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

26 Was read the second time.

27 Sen. Hunhoff moved that **HB 1135** be laid on the table.

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, 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, Stalzer,  
34 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

35 So the motion having received an affirmative vote of a majority of the members-elect, the  
36 President declared the motion carried and **HB 1135** was tabled.

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

3 Was read the second time.

4 Sen. Hunhoff moved that **HB 1182** be laid on the table.

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 motion having received an affirmative vote of a majority of the members-elect, the  
13 President declared the motion carried and **HB 1182** was tabled.

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

16 Was read the second time.

17 Sen. Cammack moved that **HB 1167** be laid on the table.

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas:

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

25 So the motion having received an affirmative vote of a majority of the members-elect, the  
26 President declared the motion carried and **HB 1167** was tabled.

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

29 Was read the second time.

30 Sen. Brock Greenfield moved that **HB 1171** be amended as follows:

31 1171B

32 On page 1, line 1, of the Senate Appropriations bill, delete "promote South Dakota" and insert  
33 "the State Conservation Commission"

34 On the Senate Appropriations bill, delete everything after the enacting clause and insert:

35 "

1 **Section 1.** There is hereby appropriated from the general fund the sum of \$106,000 to the  
2 State Conservation Commission.

3 **Section 2.** The State Conservation Commission shall approve vouchers and the state auditor  
4 shall draw warrants to pay expenditures authorized by this Act.

5 **Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June  
6 30, 2025 shall revert in accordance with the procedures prescribed in chapter 4-8.

7 **Section 4.** Whereas, this Act is necessary for the support of the state government and its  
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
9 force and effect from and after its passage and approval.

10 "

11 Which motion prevailed.

12 The question being "Shall **HB 1171** pass as amended?"

13 And the roll being called:

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

15 Yeas:

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

20 Nays:

21 Frye-Mueller

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

24 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on  
25 Tuesday, March 9, 2021 the 34<sup>th</sup> legislative day.

26 Which motion prevailed.

27 **COMMEMORATIONS**

28 **SC 824:** A LEGISLATIVE COMMEMORATION, Honoring the life and public service of former  
29 State Senator Theresa "Huck" Two Bulls, "Wiyaka Tokaheya Yuha Najin," the first Native American  
30 woman elected to the South Dakota State Senate.

31 Introduced by: **Senators** Foster, Castleberry, Nesiba, and Schoenbeck and  
32 **Representatives** Perry and Pourier.

33 Sen. Diedrich moved that the Senate do now adjourn, which motion prevailed and at 8:30 p.m.  
34 the Senate adjourned.

35 Kay Johnson, Secretary

