

JOURNAL OF THE SENATE

NINETY-SIXTH SESSION

THIRTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 09, 2021

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

The prayer was offered by the Chaplain, Pastor Craig Wexler, followed by the Pledge of Allegiance led by Senate page Nolan Hansen.

Roll Call: All members present except Sen. Foster who was present remotely.

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 33rd 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

March 8, 2021

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Mr. President and Members of the Senate:

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I have the honor to inform you that on March 8, 2021, I approved Senate Bills 4, 10, 31, 55, 59, 72, and 134, and the same have been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Kristi Noem

8

Governor

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REPORTS OF STANDING COMMITTEES

10

Mr. PRESIDENT:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 17, 27, 28, 33, 34, 35, 47, 48, 54, 65, 93, 99, 103, 144, 145, 149, 156, 181, and 186** and finds the same correctly enrolled.

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Respectfully submitted,

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Lee A. Schoenbeck, Chair

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REPORTS OF CONFERENCE COMMITTEES

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MR. PRESIDENT:

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The **SB77 A** Conference Committee on **SB77** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

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77J

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On page 3, after line 4, of the House bill, insert "

23

Section 3. This Act shall be effective on November 10, 2021.

24

"

25

And that as so amended, do pass.

26

Respectfully submitted,

27

Al Novstrup, Chair

Respectfully submitted,

Carl E. Perry, Chair

28

MESSAGES FROM THE HOUSE

29

Mr. PRESIDENT:

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I have the honor to return herewith **SB 36, 128, 162, 167, and 180** which have been amended by the House and your concurrence in the amendments is respectfully requested.

31

1 Also Mr. PRESIDENT:

2 I have the honor to inform your honorable body that **SB 118, 119, 120, 121, 130, 131, 132,**
3 **133, 191, and 192** were lost on second reading and final passage.

4 Also Mr. PRESIDENT:

5 I have the honor to return herewith **SB 17, 27, 28, 33, 34, 35, 47, 48, 54, 65, 93, 99, 144,**
6 **145, 149, 156, 181, and 186** which have passed the House without change.

7 Also Mr. PRESIDENT:

8 I have the honor to return herewith **SCR 607** in which the House has concurred.

9 Also Mr. PRESIDENT:

10 I have the honor to inform your honorable body that the House has concurred in Senate
11 amendments to **HB 1228**.

12 Respectfully,
13 Patricia Miller, Chief Clerk

14 Sen. Cammack moved that the Senate do now recess until 1:30 p.m.

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

16 **RECESS**

17 The Senate reconvened at 1:45 p.m., the President presiding.

18 There being no objection, the Senate reverted to Order of Business No. 4 - Communications
19 and Petitions.

20 **COMMUNICATIONS AND PETITIONS**

21 March 9, 2021

22 Mr. President and Members of the Senate:

23 I have the honor to inform you that on March 9, 2021, I approved Senate Bills 83 and 96, and
24 the same have been deposited in the office of the Secretary of State.

25 Respectfully submitted,
26 Kristi Noem
27 Governor

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REPORTS OF STANDING COMMITTEES

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MR. PRESIDENT:

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The Committee on Senate Education respectfully reports that it has had under consideration the nomination of Linda Olsen of Ziebach County, Dupree, South Dakota, to the South Dakota Board of Education Standards and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

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8

Respectfully submitted,
R. Blake Curd, Chair

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Mr. PRESIDENT:

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12

The Committee on Legislative Procedure respectfully reports that **SB 57, 86, 124, 135, 171, and 177** were delivered to her Excellency, the Governor, for her approval at 1:20 p.m., March 9, 2021.

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14

Respectfully submitted,
Lee A. Schoenbeck, Chair

15

MOTIONS AND RESOLUTIONS

16

Sen. Bolin moved that the Senate do concur in House amendments to **SB 80**.

17

18

The question being on Sen. Bolin's motion that the Senate do concur in House amendments to **SB 80**.

19

And the roll being called:

20

Yeas 31, Nays 3, Excused 1, Absent 0

21

Yeas:

22

23

24

25

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

26

Nays:

27

Foster, Heinert, and Nesiba

28

Excused:

29

Symens

30

31

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

32

Sen. Johns moved that the Senate do concur in House amendments to **SB 95**.

33

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The question being on Sen. Johns' motion that the Senate do concur in House amendments to **SB 95**.

1 And the roll being called:

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

3 Yeas:

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

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

10 Sen. Brock Greenfield moved that the Senate do concur in House amendments to **SB 128**.

11 The question being on Sen. Brock Greenfield's motion that the Senate do concur in House
12 amendments to **SB 128**.

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

15 Yeas:

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

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

22 Sen. Hunhoff moved that the Senate do concur in House amendments to **SB 167**.

23 The question being on Sen. Hunhoff's motion that the Senate do concur in House amendments
24 to **SB 167**.

25 And the roll being called:

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

27 Yeas:

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

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

34 Sen. Zikmund moved that the Senate do not concur in House amendments to **SB 180** and that
35 a committee of three on the part of the Senate be appointed to meet with a like committee on the
36 part of the House to adjust the differences between the two houses.

37 Which motion prevailed and the President announced as such committee
38 Senators Zikmund (Chair), Stalzer, and Nesiba.

1 No action was necessary on **SB 36**. The House restored the bill to the original version,
2 therefore there was no disagreement between the two houses.

3 Sen. Curd moved that the Senate do concur in House amendments to **SB 162**.

4 The question being on Sen. Curd's motion that the Senate do concur in House amendments to
5 **SB 162**.

6 And the roll being called:

7 Yeas 35, Nays 0, 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, Klumb, Kolbeck, Maher,
11 Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
12 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

15 Yesterday, Sen. Heinert announced his intention to reconsider the vote by which **SRD 901**
16 lost.

17 No member moved to reconsider the vote by which **SRD 901** lost.

18 Sen. Cammack moved that the Senate do now recess until 3:00 p.m.

19 Which motion prevailed and at 2:08 p.m., the Senate recessed.

20 **RECESS**

21 The Senate reconvened at 3:09 p.m., the President presiding.

22 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
23 Committees.

24 **REPORTS OF STANDING COMMITTEES**

25 MR. PRESIDENT:

26 The Joint Committee on Legislative Procedure respectfully reports that it has had under
27 consideration the proposed calendars for the Ninety-seventh Legislative Session and respectfully
28 recommends the days of the Ninety-seventh Legislative Session be adopted as shown below with
29 the corresponding Chapter 17 rules changes:

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97th SOUTH DAKOTA LEGISLATIVE SESSION CALENDAR

2022 38 Legislative Days – GOLD version

Please refer to the Joint Rules, Chapter 17 for complete information.

	Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
January 2022							1
	2	3	4	5	6	7	8
	9	10	11 Session Opens 12 Noon(CST) <i>State of the State</i> L.D. 1	12 <i>State of the Judiciary</i> L.D. 2	13 <i>State of the Tribes</i> L.D. 3	14 L.D. 4	15
	16	17 <i>Martin Luther King Jr. Day</i>	18 Executive orders filed (Constitution, Art. IV, Sec. 8) L.D. 5	19 L.D. 6	20 <i>Jt. Memorial Service 3:00pm</i> L.D. 7	21 Concurrent/House/Senate Resolutions limited introduction deadline (J.R. 6B-3) (TWO HOURS prior to session) L.D. 8	22
	23	24	25 Bill and joint resolution draft requests submitted to LRC by 5:00pm (for unlimited introduction) L.D. 9 L.D. 10	26 L.D. 11	27 Last day for unlimited bill & joint resolution introduction (J.R. 6B-3) (TWO HOURS prior to session) L.D. 12	28	29
	30	31 All bill and joint resolution draft requests submitted to LRC by 5:00pm L.D. 13	1 Committee bill and joint resolution requests due to LRC by 5:00pm L.D. 14	2 Last day for introduction of individual bills and joint resolutions (TWO HOURS prior to session) L.D. 15	3 Last day for introduction of committee bills and joint resolutions (TWO HOURS prior to session) L.D. 16	4 L.D. 17	5
February 2022	6	7 L.D. 18	8 L.D. 19	9 L.D. 20	10 L.D. 21	11	12
	13	14	15 Last day for JCA selection of general fund revenue targets (J.R. 7-11.1) L.D. 22 L.D. 23	16 L.D. 24	17 Last day to use J.R. 5-17 L.D. 25	18	19
	20	21 <i>Presidents' Day</i>	22 Concurrent resolution requests due to LRC by 5:00pm, AND Last day to move required delivery of bills or resolutions by a committee to the house of origin L.D. 26	23 Last day to pass bills or joint resolutions by the house of origin (Crossover Day) L.D. 27	24 Last day for final introduction of concurrent/House/Senate resolutions (TWO HOURS prior to session) L.D. 28	25 Last day for JCA to move required delivery of special appropriation bills to house of origin (JR 17-1) L.D. 29	26
	27	28 Last day for house of origin to pass special appropriation bills referred from JCA (JR 17-1), AND Commemoration requests due to LRC by 5:00pm	1	2 Last day for introduction of commemorations (TWO HOURS prior to session), AND J.R. 5-13 in effect	3 Last day to move required delivery of bills or joint resolutions by a committee to the second house	4	5
March 2022							

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		L.D. 30	L.D. 31	L.D. 32	L.D. 33		
6	7	Last day for a bill or joint resolution to pass both houses				11	12
		L.D. 34	L.D. 35	L.D. 36	L.D. 37		
13	14		15	16	17	18	19
20	21		22	23	24	25	26
27	28	Reserved for consideration of gubernatorial vetoes		30	31	1	2
		L.D. 38					

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Legislative Deadlines	
Legislative Action	40 Day Session
A. Last day for unlimited introduction of individual bills and joint resolutions ¹	12 th Day
B. Last day for introduction of individual bills and joint resolutions ¹	15 th Day
C. Last day for introduction of committee bills and joint resolutions ¹	16 th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27 th 26 th Day
E. Last day to move required delivery of bills or joint resolutions by a committee to the house of origin	28 th 27 th Day
F. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions	29 th 28 th Day
G. Last day for introduction of commemorations	33 rd Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 th Day on
I. Last day to move required delivery of bills or joint resolutions by a committee to the second house	35 th Day
J. Last day for a bill or joint resolution to pass both houses	36 th Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40 th Day
¹ Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

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17-1. Exceptions to deadlines for appropriation bills. Any general appropriation bill, any bill that amends a prior year's general appropriations bill, or any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, E, F, I, and J, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

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Any appropriation bill that is not a general appropriation bill, which is referred to or reported to the floor by the Joint Committee on Appropriations, is subject to the following legislative deadlines, in lieu of the legislative deadlines of E and F, in this chapter:

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37

- (1) Last day to move required delivery of bills by a committee to the house of origin: ~~31st~~ 30th Day;
- (2) Last day to pass bills by the house of origin: ~~32nd~~ 31st Day.

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39

Respectfully submitted,
Spencer Gosch, Chair

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41

Sen. Cammack moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on Wednesday, March 10, 2021 the 35th legislative day.

42

Which motion prevailed.

SIGNING OF BILLS

1

2 The President publicly read the title to

3 **SB 17:** FOR AN ACT ENTITLED, An Act to authorize the South Dakota Department of
4 Corrections to purchase certain real property, to make an appropriation, and to declare an
5 emergency.

6 **SB 27:** FOR AN ACT ENTITLED, An Act to revise off-campus tuition rates at institutions
7 governed by the Board of Regents.

8 **SB 28:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
9 redesign and renovation of, and the design and construction of an addition to, the Sanford Jackrabbit
10 Athletic Complex on the campus of South Dakota State University, together with equipment and
11 furnishings, to make an appropriation therefor, and to declare an emergency.

12 **SB 33:** FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to
13 the commissioning of the USS Pierre and to declare an emergency.

14 **SB 34:** FOR AN ACT ENTITLED, An Act to make an appropriation to expand rural access to
15 broadband services and to declare an emergency.

16 **SB 35:** FOR AN ACT ENTITLED, An Act to make an appropriation to implement provisions
17 concerning the legalization, regulation, and taxation of marijuana, and to declare an emergency.

18 **SB 47:** FOR AN ACT ENTITLED, An Act to make an appropriation for the maintenance and
19 repair of state-owned dams and to declare an emergency.

20 **SB 48:** FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental obligations to
21 the South Dakota Health and Educational Facilities Authority, to make an appropriation therefor,
22 and to declare an emergency.

23 **SB 54:** FOR AN ACT ENTITLED, An Act to make an appropriation to build a bison visitors center
24 in Custer State Park and to declare an emergency.

25 **SB 65:** FOR AN ACT ENTITLED, An Act to create an exception to the dual compensation
26 prohibition for state employees for military service.

27 **SB 93:** FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate the rail line
28 from west of the city of Fort Pierre to the city of Rapid City and to declare an emergency.

29 **SB 99:** FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to contract
30 for the construction of a livestock and equestrian complex at the State Fair, to make an appropriation
31 therefor, and to declare an emergency.

32 **SB 103:** FOR AN ACT ENTITLED, An Act to provide for the confidentiality of personal
33 information of persons affiliated with nonprofit corporations.

34 **SB 144:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide for a crisis
35 stabilization unit and to declare an emergency.

36 **SB 145:** FOR AN ACT ENTITLED, An Act to revise the process of filling vacancies for candidates
37 for elected office.

38 **SB 149:** FOR AN ACT ENTITLED, An Act to revise an appropriation regarding the fire insurance
39 premium tax.

40 **SB 156:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
41 construction of a Mineral Industry Building and the demolition of the old Mineral Industry Building

1 on the campus of South Dakota School of Mines and Technology, to make an appropriation therefor,
2 and to declare an emergency.

3 **SB 181:** FOR AN ACT ENTITLED, An Act to make an appropriation for road improvements
4 leading to the State Veterans Cemetery and to declare an emergency.

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

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

8 Sen. Duhamel moved that the Senate do now adjourn, which motion prevailed and at
9 3:15 p.m. the Senate adjourned.

10

Kay Johnson, Secretary