

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 20, 2022

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by Senate page Maya Vandebark.

Roll Call: All members present except Sens. Diedrich and V. J. Smith who were excused and Sens. Brock Greenfield, Klumb, Stalzer, and Symens who were 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 6th day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Lee A. Schoenbeck, Chair

Which motion prevailed.

1

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Health and Human Services respectfully submits the following
4 corrected report for the committee action of January 19, 2022:

5 MR. PRESIDENT:

6 The Committee on Senate Health and Human Services respectfully reports that it has had
7 under consideration **SB 4** and returns the same with the recommendation that said bill be amended
8 as follows:

9 4A

10 On page 4, line 28, of the Introduced bill, after "specify;

11 (c) Specifying " delete "that "

12 On page 4, line 29, of the Introduced bill, after "

13 (d) Specifying " delete "that "

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

16 Also MR. PRESIDENT:

17 The Committee on Senate Health and Human Services respectfully reports that it has had
18 under consideration **SB 14** and returns the same with the recommendation that said bill be amended
19 as follows:

20 14A

21 On page 1, line 9, of the Introduced bill, after "card;" insert " and"

22 On page 1, line 9, of the Introduced bill, after "card;" delete "

23 (b) The name, address, and phone number of the practice of a registered qualifying patient's
24 practitioner; and"

25 On page 1, line 12, of the Introduced bill, delete "(c)" and insert "(b)"

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

28 Also MR. PRESIDENT:

29 The Committee on Senate Health and Human Services respectfully reports that it has had
30 under consideration **SB 23** and returns the same with the recommendation that said bill be amended
31 as follows:

32 23C

33 On page 1, line 15, of the Introduced bill, after "relationship,":" insert " a treatment or
34 consulting relationship between a practitioner and patient, during which:"

35 On page 1, line 16, of the Introduced bill, after "have " delete "a treatment or consulting
36 relationship between a practitioner and patient, during "

1 On page 1, line 17, of the Introduced bill, after "of " delete "which the practitioner "

2 On page 1, line 17, of the Introduced bill, after "completed" delete " completes, at every visit,
3 an assessment of the patient's medical history and current medical condition, including an
4 appropriate in-person physical examination"

5 On page 1, line 25, of the Introduced bill, delete "and during which the following circumstances
6 are present:

7 (a) The patient is under the practitioner's continued care for the debilitating medical condition
8 that qualifies the patient for the medical use of cannabis;

9 (b) The patient has a reasonable expectation that the practitioner will continue to provide in-
10 person follow-up care to the patient to monitor the medical use of cannabis; and

11 (c) The relationship is not for the sole purpose of providing a written certification for the medical
12 use of cannabis;" and insert "

13 (a) The practitioner completes, at the initial visit, an assessment of the patient's medical
14 history and current medical condition, including an appropriate in-person physical examination;

15 (b) The patient is under the practitioner's care for the debilitating medical condition that
16 qualifies the patient for the medical use of cannabis or has been referred by the practitioner caring
17 for the patient's debilitating medical condition that qualifies the patient for the medical use of
18 cannabis to another practitioner;

19 (c) The patient has a reasonable expectation that the practitioner providing the written
20 certification will continue to provide follow-up care to the patient to monitor the medical use of
21 cannabis; and

22 (d) The relationship is not for the sole purpose of providing a written certification for
23 the medical use of cannabis unless the patient has been referred by a practitioner providing care for
24 the debilitating medical condition that qualifies the patient for the medical use of cannabis.

25 "

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

27 Also MR. PRESIDENT:

28 The Committee on Senate Health and Human Services respectfully reports that it has had
29 under consideration **SB 24** and returns the same with the recommendation that said bill be amended
30 as follows:

31 24A

32 On page 1, line 11, of the Introduced bill, after "physician" delete " maximum"

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

34 Also MR. PRESIDENT:

35 The Committee on Senate Health and Human Services respectfully reports that it has had
36 under consideration **SB 13** and returns the same with the recommendation that said bill do pass.

37 Also MR. PRESIDENT:

38 The Committee on Senate Health and Human Services respectfully reports that it has had
39 under consideration **SB 5, 9, 10, 11, 12, and 15** and returns the same with the recommendation
40 that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **SB 8** which was tabled.

4 Respectfully submitted,
5 Wayne H. Steinhauer, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully submits the
8 following corrected report for the committee action of January 20, 2022:

9 MR. PRESIDENT:

10 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
11 had under consideration **SB 84** and returns the same with the recommendation that said bill be
12 referred to the Joint Committee on Appropriations with a Do Pass recommendation.

13 Respectfully submitted,
14 Herman Otten, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Judiciary respectfully reports that it has had under consideration
17 **SB 79** and returns the same with the recommendation that said bill do pass, and having been
18 certified as uncontested, be placed on the consent calendar.

19 Also MR. PRESIDENT:

20 The Committee on Senate Judiciary respectfully reports that it has had under consideration
21 **SB 81** and returns the same with the recommendation that said bill do pass.

22 Respectfully submitted,
23 Arthur Rusch, Chair

24 **MESSAGES FROM THE HOUSE**

25 MR. PRESIDENT:

26 I have the honor to transmit herewith **HB 1003 and 1027** which have passed the House and
27 your favorable consideration is respectfully requested.

28 Respectfully,
29 Patricia Miller, Chief Clerk

30 **MOTIONS AND RESOLUTIONS**

31 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
32 Friday, January 21, 2022, the 8th legislative day.

33 Which motion prevailed.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

3

4

SB 92: FOR AN ACT ENTITLED, An Act to require that taxpayer funded pool arrangements providing workers' compensation coverage demonstrate financial stability, reliable management, and fair pricing.

5

Introduced by: **Senator** Johns

6

Was read the first time and referred to the Committee on Commerce and Energy.

7

8

SB 90: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding local building codes.

9

Introduced by: **Senator** Herman Otten

10

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

11

12

SB 91: FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain lights by county highway department authorized vehicles.

13

Introduced by: **Senator** Duvall

14

Was read the first time and referred to the Committee on Transportation.

15

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

16

17

HB 1027: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances schedule and to declare an emergency.

18

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

19

20

HB 1003: FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier regulations.

21

Was read the first time and referred to the Committee on Transportation.

22

SECOND READING OF CONSENT CALENDAR ITEMS

23

24

SB 28: FOR AN ACT ENTITLED, An Act to disqualify for life any person from driving a commercial vehicle who is convicted of a felony offense involving human trafficking.

25

26

SB 36: FOR AN ACT ENTITLED, An Act to require financial security for the decommissioning of solar facilities.

27

SB 68: FOR AN ACT ENTITLED, An Act to revise holiday pay for state employees.

28

29

SB 74: FOR AN ACT ENTITLED, An Act to revise provisions regarding out-of-service motor carrier violations.

30

Were read the second time.

1 The question being "Shall **SB 36** pass as amended, and **SB 28, 68, and 74** pass?"

2 And the roll being called:

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

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

8 Excused: Diedrich, Heinert, and V. J. Smith

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

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

12 **SB 71:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the partners in
13 education tax credit program.

14 Was read the second time.

15 The question being "Shall **SB 71** pass as amended?"

16 And the roll being called:

17 Yeas 27, Nays 5, Excused 3, Absent 0

18 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Duhamel, Duvall, Frye-Mueller,
19 Brock Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Rohl, Rusch, Schoenbeck,
20 Schoenfish, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

21 Nays: Heinert, Hunhoff, Johns, Nesiba, and Herman Otten

22 Excused: Diedrich, Foster, and V. J. Smith

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 **SB 38:** FOR AN ACT ENTITLED, An Act to prohibit a grain broker from engaging in certain
26 transactions or activities and to provide a penalty therefor.

27 Was read the second time.

28 The question being "Shall **SB 38** pass?"

29 And the roll being called:

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

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

1 Excused: Diedrich and V. J. Smith

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

4 **SB 47:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money
5 transmission.

6 Was read the second time.

7 The question being "Shall **SB 47** pass?"

8 And the roll being called:

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

10 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Duhamel, Duvall, Foster, Frye-
11 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
12 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton,
13 Symens, Tobin, Wheeler, Wiik, and Zikmund

14 Excused: Diedrich and V. J. Smith

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

17 Sen. Cammack moved that **SB 69** be deferred to Friday, January 21, 2022, the 8th legislative
18 day.

19 Which motion prevailed.

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

22 **REPORTS OF STANDING COMMITTEES**

23 MR. PRESIDENT:

24 The Committee on Senate Commerce and Energy respectfully reports that it has had under
25 consideration **SB 70** which was deferred to the 41st Legislative Day.

26 Also MR. PRESIDENT:

27 The Committee on Senate Commerce and Energy respectfully reports that it has had under
28 consideration **SB 76** and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration **SB 80** and returns the same with the recommendation that said bill be amended as
4 follows:

5 80A

6 On page 1, line 6, of the Introduced bill, after "public" insert " exclusively for electric vehicle
7 charging"

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

10 Respectfully submitted,
11 Casey Crabtree, Chair

12 Sen. Kolbeck moved that the Senate do now adjourn, which motion prevailed and at 2:38 p.m.
13 the Senate adjourned.

14 Kay Johnson, Secretary