

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

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EIGHTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 21, 2022

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

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate page Savannah Tunheim.

Roll Call: All members present except Sens. Curd, Foster, and Herman Otten who were excused and Sens. Brock Greenfield, Klumb, V. J. Smith, 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 7th 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.

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**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SJR 501** which was deferred to the 41st Legislative Day.

Respectfully submitted,  
Gary L. Cammack, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 17, 18, 21, and 27** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 20** which was tabled.

Also MR. PRESIDENT:

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

19B

On page 1, line 1, of the Introduced bill, after "facilities" insert ", mental health centers, "

On page 2, line 33, of the Introduced bill, after "facility" insert " or a mental health center, as defined in subdivision 27A-1-1(16), "

On page 4, line 31, of the Introduced bill, after "34-20A-2, " insert "or a mental health center, as defined in subdivision 27A-1-1(16), "

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

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 26** and returns the same with the recommendation that said bill be amended as follows:

26A

On page 4, line 10, of the Introduced bill, delete " nurse practitioner" and insert " advanced practice registered nurse"

And that as so amended, said bill do pass.

Respectfully submitted,  
Wayne H. Steinhauer, Chair

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**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

I have the honor to transmit herewith **HB 1002, 1009, 1036, 1043, 1044, 1059, 1062, and 1068** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,  
Patricia Miller, Chief Clerk

**MOTIONS AND RESOLUTIONS**

SENATE PAGE RESOLUTION 1 Introduced by: Senators Bolin; Breitling; Cammack; Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock; Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten; Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens; Tobin; Wheeler; Wiik; Zikmund

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-seventh Legislature of the State of South Dakota to Olivia Breen, Gillian Brennan, Kasey Broers, Madison Decker, Joleh Raquel McCullough, Emily Olsen, Savannah Tunheim, and Maya Vandenbark.

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

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

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

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

Sen. Steinhauer moved that Senate Page Resolution 1 be adopted.

The question being on Sen. Steinhauer's motion that Senate Page Resolution 1 be adopted.

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

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

Excused: Curd, Foster, and Herman Otten

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

1 **SCR 601:** A CONCURRENT RESOLUTION, expressing support for the 2021 South Dakota  
2 Coordinated Plan for Natural Resources Conservation.

3 Introduced by: **Senator** Klumb

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

5 Sen. Cammack moved that **SB 13, 69, 76, and 81** be deferred to Monday, January 24, 2022,  
6 the 9<sup>th</sup> legislative day.

7 Which motion prevailed.

#### 8 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

10 Health and Human Services on **SB 4, 14, and 23** as found on page 80 of the Senate Journal;  
11 also

12 Health and Human Services on **SB 24** as found on page 81 of the Senate Journal; also

13 Commerce and Energy on **SB 80** as found on page 86 of the Senate Journal be adopted.

14 Which motion prevailed and the reports were adopted.

#### 15 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 **SB 93:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the use of  
17 epinephrine and supraglottic airway devices by ambulance services.

18 Introduced by: **Senator** Hunhoff

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

20 **SB 94:** FOR AN ACT ENTITLED, An Act to revise the membership of the Board of Education  
21 Standards to include the chairs of the Senate and House committees on education.

22 Introduced by: **Senator** Bolin

23 **SB 95:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the Teacher  
24 Compensation Review Board.

25 Introduced by: **Senator** Bolin

26 **SB 96:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to  
27 renovate the science laboratories in the Churchill-Haines building at the University of South Dakota.

28 Introduced by: **Senator** Maher

29 Were read the first time and referred to the Committee on Education.

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

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**HB 1043:** FOR AN ACT ENTITLED, An Act to revise renewal and licensing requirements for plumbers.

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**HB 1044:** FOR AN ACT ENTITLED, An Act to adopt the 2021 edition of the Uniform Plumbing Code.

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**HB 1059:** FOR AN ACT ENTITLED, An Act to permit nonresponsive insurance producer applications be deemed withdrawn as to not constitute a refusal or administrative action.

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**HB 1062:** FOR AN ACT ENTITLED, An Act to revise a provision regarding when a license is not required of a person installing electric wiring.

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

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**HB 1036:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding search warrants for tracking devices.

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**HB 1068:** FOR AN ACT ENTITLED, An Act to clarify the processing of sexual assault kits performed on individuals ages sixteen and seventeen.

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

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**HB 1002:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the investments authorized for state public funds.

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**HB 1009:** FOR AN ACT ENTITLED, An Act to revise certain provisions of the Higher Education Savings Plan Act.

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

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**SECOND READING OF CONSENT CALENDAR ITEMS**

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Sen. Schoenbeck requested that **SB 11 and 12** be removed from the Consent Calendar.

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**SB 5:** FOR AN ACT ENTITLED, An Act to revise acceptable conduct related to the medical use of cannabis.

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**SB 9:** FOR AN ACT ENTITLED, An Act to revise the definition of a designated caregiver.

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**SB 10:** FOR AN ACT ENTITLED, An Act to require a cardholder or nonresident cardholder to present photographic identification to receive medical cannabis.

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**SB 15:** FOR AN ACT ENTITLED, An Act to revise provisions providing that certain professions are not subject to discipline for certain conduct relating to medical cannabis.

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**SB 79:** FOR AN ACT ENTITLED, An Act to clarify cross-references regarding powers of attorney.

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Were read the second time.

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1 The question being "Shall **SB 5, 9, 10, 15, and 79** pass?"

2 And the roll being called:

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

4 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Brock  
5 Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Nesiba, Rohl, Rusch,  
6 Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, Wheeler, and Zikmund

7 Nays: Frye-Mueller, Maher, Novstrup, Sutton, and Wiik

8 Excused: Curd, Foster, and Herman Otten

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 Sen. Heinert moved that the Senate do now adjourn, which motion prevailed and at 1:17 p.m.  
12 the Senate adjourned.

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Kay Johnson, Secretary