

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 03, 2022

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

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Dillon Unzelman.

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 15th 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 Judiciary respectfully reports that it has had under consideration
4 **SB 121** which was deferred to the 41st Legislative Day.

5 Also MR. PRESIDENT:

6 The Committee on Senate Judiciary respectfully reports that it has had under consideration
7 **SB 113 and 135, and HB 1106** and returns the same with the recommendation that said bills do
8 pass.

9 Also MR. PRESIDENT:

10 The Committee on Senate Judiciary respectfully reports that it has had under consideration
11 **HB 1107, 1108, and 1109** and returns the same with the recommendation that said bills do pass,
12 and having been certified as uncontested, be placed on the consent calendar.

13

14

Respectfully submitted,
Arthur Rusch, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
17 had under consideration **SB 128** which was deferred to the 41st Legislative Day.

18 Also MR. PRESIDENT:

19 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
20 had under consideration **SB 170** and returns the same with the recommendation that said bill be
21 referred to the Joint Committee on Appropriations with a Do Pass recommendation.

22 Also MR. PRESIDENT:

23 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
24 had under consideration **HB 1050** and returns the same with the recommendation that said bill do
25 pass, and having been certified as uncontested, be placed on the consent calendar.

26

27

Respectfully submitted,
Joshua Klumb, Chair

28 MR. PRESIDENT:

29 The Committee on Senate Education respectfully reports that it has had under consideration
30 **SB 117 and 139** and returns the same with the recommendation that said bills do pass.

31 Also MR. PRESIDENT:

32 The Committee on Senate Education respectfully reports that it has had under consideration
33 **SB 108** and returns the same with the recommendation that said bill do pass, and having been
34 certified as uncontested, be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration
3 **SB 131** and returns the same with the recommendation that said bill be referred to the Joint
4 Committee on Appropriations with a Do Pass recommendation.

5 Also MR. PRESIDENT:

6 The Committee on Senate Education respectfully reports that it has had under consideration
7 **SB 132** and returns the same with the recommendation that said bill be referred to the Joint
8 Committee on Appropriations with a Do Pass recommendation.

9 Also MR. PRESIDENT:

10 The Committee on Senate Education respectfully reports that it has had under consideration
11 **SB 133** and returns the same with the recommendation that said bill be referred to the Joint
12 Committee on Appropriations with a Do Pass recommendation.

13 Respectfully submitted,
14 R. Blake Curd, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Commerce and Energy respectfully reports that it has had under
17 consideration **SB 162** and returns the same with the recommendation that said bill be amended as
18 follows:

19 162A

20 On page 3, line 7, of the Introduced bill, after "the " insert "increased "

21 On page 3, line 9, of the Introduced bill, after "the " insert "increased "

22 On page 3, line 11, of the Introduced bill, after "the " insert "increased "

23 On page 3, line 13, of the Introduced bill, after "the " insert "increased "

24 On page 3, line 17, of the Introduced bill, after "construction." insert " The percentages stated
25 in this section are limited to that portion of the assessed value that exceeds the property's
26 assessed value in the year preceding the start of construction."

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

28 Respectfully submitted,
29 Casey Crabtree, Chair

30 MR. PRESIDENT:

31 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
32 Enrolling has carefully compared **SB 5 and 37** and finds the same correctly enrolled.

33 Respectfully submitted,
34 Lee A. Schoenbeck, Chair

1

MESSAGES FROM THE HOUSE

2 MR. PRESIDENT:

3 I have the honor to transmit herewith **HB 1086, 1097, 1110, 1120, and 1128** which have
4 passed the House and your favorable consideration is respectfully requested.

5 Also MR. PRESIDENT:

6 I have the honor to return herewith **SB 5 and 37** which have passed the House without change.

7
8

Respectfully,
Patricia Miller, Chief Clerk

9

MOTIONS AND RESOLUTIONS

10 **HCR 6007**: A CONCURRENT RESOLUTION, Celebrating the sister-state relationship with
11 Taiwan.

12 Was read the second time.

13 Sen. Klumb moved that **HCR 6007** as found on page 158 of the Senate Journal be
14 concurred in.

15 The question being on Sen. Klumb's motion that **HCR 6007** be concurred in.

16 And the roll being called:

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

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

22 Excused: Frye-Mueller

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and **HCR 6007** was concurred in.

25 Sen. Cammack moved that **SB 6, and SJR 502** be deferred to Monday, February 7, 2022, the
26 18th legislative day.

27 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
28 Friday, February 3, 2022, the 17th legislative day.

29 Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

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

3

Transportation on **SB 91** as found on page 156 of the Senate Journal be adopted.

4

Which motion prevailed and the report was adopted.

5

CONSIDERATION OF EXECUTIVE APPOINTMENTS

6

The Senate proceeded to the consideration of the executive appointment of Jeffrey Partridge of Pennington County, Rapid City, South Dakota, to the State Board of Regents.

7

8

The question being "Does the Senate advise and consent to the executive appointment of Jeffrey Partridge pursuant to the executive message as found on page 69 of the Senate Journal?"

9

10

And the roll being called:

11

Yeas 33, Nays 0, Excused 2, Absent 0

12

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

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Excused: Frye-Mueller and Symens

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So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

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19

The Senate proceeded to the consideration of the executive appointment of Timothy Rave of Minnehaha County, Baltic, South Dakota, to the State Board of Regents.

20

21

The question being "Does the Senate advise and consent to the executive appointment of Timothy Rave pursuant to the executive message as found on page 68 of the Senate Journal?"

22

23

And the roll being called:

24

Yeas 33, Nays 0, Excused 2, Absent 0

25

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

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Excused: Frye-Mueller and Symens

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So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

31

1 The Senate proceeded to the consideration of the executive appointment of Tonnis H.
2 Venhuizen of Lincoln County, Sioux Falls, South Dakota, to the State Board of Regents.

3 The question being "Does the Senate advise and consent to the executive appointment of
4 Tonnis H. Venhuizen pursuant to the executive message as found on page 68 of the Senate Journal?"

5 And the roll being called:

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

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

11 Excused: Frye-Mueller and Symens

12 So the question having received an affirmative vote of a majority of the members-elect, the
13 President declared the appointment confirmed.

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

16 MR. PRESIDENT:

17 The Committee on Legislative Procedure respectfully reports that **SB 46** was delivered to her
18 Excellency, the Governor, for her approval at 2:28 p.m., February 3, 2022.

19 Respectfully submitted,
20 Lee A. Schoenbeck, Chair

21 Sen. Schoenbeck moved that **SB 205** be referred from the Committee on Taxation to the Joint
22 Committee on Appropriations.

23 Which motion prevailed.

24 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 The President declared that **SB 158 and 210** were withdrawn at the request of the prime
26 sponsors pursuant to JR 6B-1.1.

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

28 **HB 1128:** FOR AN ACT ENTITLED, An Act to protect the integrity of reemployment assistance.

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

1 **HB 1086:** FOR AN ACT ENTITLED, An Act to provide for the redistribution of donated
2 prescription drugs and medical supplies.

3 **HB 1097:** FOR AN ACT ENTITLED, An Act to clarify conduct that is not required related to
4 medical cannabis.

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

6 **HB 1110:** FOR AN ACT ENTITLED, An Act to revise a provision related to the appointment of
7 a guardian ad litem or a special advocate to represent an abused or neglected child.

8 Was read the first time and referred to the Committee on Judiciary.

9 **HB 1120:** FOR AN ACT ENTITLED, An Act to include carbon dioxide and carbon dioxide capture
10 companies in certain provisions regarding pipeline taxation.

11 Was read the first time and referred to the Committee on Taxation.

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 **SB 138:** FOR AN ACT ENTITLED, An Act to clarify provisions related to filing a petition to refer
14 an ordinance or resolution.

15 **HB 1010:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue
16 Code.

17 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise the application process for the reduction
18 of tax on dwellings owned by paraplegics.

19 Were read the second time.

20 The question being "Shall **SB 138, and HB 1010 and 1011** pass?"

21 And the roll being called:

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

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

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

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

30 **SB 73:** FOR AN ACT ENTITLED, An Act to provide for the use of artificial light and night-vision
31 equipment while hunting coyotes and other predators.

32 Was read the second time.

1 The question being "Shall **SB 73** pass as amended?"

2 And the roll being called:

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

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

8 Nays: Duhamel and Rusch

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

11 **SB 24:** FOR AN ACT ENTITLED, An Act to establish a maximum number of cannabis plants that
12 may be cultivated by a medical cannabis cardholder.

13 Was read the second time.

14 Sen. Curd moved that **SB 24** be amended as follows:

15 24B

16 On page 1, line 11, of the Senate Health and Human Services Engrossed bill, after "three "
17 insert "flowering or mature "

18 On page 3, line 11, of the Senate Health and Human Services Engrossed bill, after "cultivation;

19 (14)" insert ""Flowering or mature cannabis plant," the reproductive state of the cannabis plant
20 in which the plant shows physical signs of flower budding out of the nodes of the stem;

21 (15) "

22 On page 3, line 12, of the Senate Health and Human Services Engrossed bill, delete "(15)" and
23 insert "(16)"

24 On page 3, line 16, of the Senate Health and Human Services Engrossed bill, delete "(16)" and
25 insert "(17)"

26 On page 3, line 18, of the Senate Health and Human Services Engrossed bill, delete "(17)" and
27 insert "(18)"

28 On page 3, line 20, of the Senate Health and Human Services Engrossed bill, delete "(18)" and
29 insert "(19)"

30 On page 3, line 31, of the Senate Health and Human Services Engrossed bill, delete "(19)" and
31 insert "(20)"

32 On page 4, line 10, of the Senate Health and Human Services Engrossed bill, delete "(20)" and
33 insert "(21)"

34 On page 4, line 14, of the Senate Health and Human Services Engrossed bill, delete "(21)" and
35 insert "(22)"

1 On page 4, line 16, of the Senate Health and Human Services Engrossed bill, delete "(22)" and
2 insert "(23)"

3 On page 4, line 20, of the Senate Health and Human Services Engrossed bill, delete "(23)" and
4 insert "(24)"

5 On page 5, line 4, of the Senate Health and Human Services Engrossed bill, after "three" insert
6 "flowering or mature"

7 Sen. Rohl requested that JR 5-17 be invoked on **SB 24**.

8 Which request was supported and **SB 24** with Sen. Curd's pending motion to amend was
9 deferred until Monday, February 7, 2022, the 18th legislative day.

10 **SB 77**: FOR AN ACT ENTITLED, An Act to enhance the penalty on registered sex offenders who
11 commit sexual contact without consent from a person capable of consenting.

12 Was read the second time.

13 The question being "Shall **SB 77** pass as amended?"

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

23 **HB 1076**: FOR AN ACT ENTITLED, An Act to permit certain municipalities to elect aldermen
24 at large.

25 Was read the second time.

26 Sen. Breitling moved that **HB 1076** be amended as follows:

27 1076B

28 On page 1, line 4, of the House Local Government Engrossed bill, after "any" insert " second
29 or third class"

30 On page 1, line 4, of the House Local Government Engrossed bill, after "municipality" delete "
31 with less than three thousand residents"

32 Which motion prevailed.

1 The question being "Shall **HB 1076** pass as amended?"

2 And the roll being called:

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

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

8 Nays: Foster and Frye-Mueller

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

11 **SIGNING OF BILLS**

12 The President publicly read the title to

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

15 **SB 37:** FOR AN ACT ENTITLED, An Act to repeal the bingo distributor license and bingo
16 manufacturer license and to repeal the bingo tax.

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

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

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

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

25 **HB 1046:** FOR AN ACT ENTITLED, An Act to revise the disposal fee for large-scale solid waste
26 disposal facilities operated by political subdivisions.

27 **HB 1063:** FOR AN ACT ENTITLED, An Act to revise the approval process for state employee
28 household moving allowances.

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

30 Sen. Nesiba moved that the Senate do now adjourn, which motion prevailed and at 3:12 p.m.
31 the Senate adjourned.

32

Kay Johnson, Secretary