

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 04, 2022

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

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Madisen Vetter.

Roll Call: All members present except Sens. Breitling and Herman Otten who were excused.

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 16th 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

February 4, 2022

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on February 3, 2022, I approved Senate Bills 45 and 46, and the same have been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Kristi Noem

8

Governor

9

REPORTS OF STANDING COMMITTEES

10

MR. PRESIDENT:

11

The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1070** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

12

13

14

Also MR. PRESIDENT:

15

The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1078** and returns the same with the recommendation that said bill be amended as follows:

16

17

18

1078B

19

On page 1, line 2, of the House Transportation Engrossed bill, after "highways" insert " and to declare an emergency"

20

21

On page 1, after line 19, of the House Transportation Engrossed bill, insert: "

22

Section 2. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

23

24

25

And that as so amended, said bill do pass.

26

Respectfully submitted,

27

Mary Duvall, Chair

28

MR. PRESIDENT:

29

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 101** and returns the same with the recommendation that said bill be amended as follows:

30

31

32

101A

33

On page 1, line 16, of the Introduced bill, delete "year " and insert "one "

34

101B

35

On page 1, line 11, of the Introduced bill, delete "does not include " and insert " includes "

1 On page 1, line 11, of the Introduced bill, after "beverages." insert " Any person tending bar
2 or drawing, pouring, or mixing alcoholic beverages pursuant to this section must be certified by a
3 nationally recognized alcohol management program."

4 On page 1, line 12, of the Introduced bill, after "beverages." delete "Except as otherwise
5 provided in this section, any on-sale or off-sale licensee in a second or third-class municipality may
6 permit a person nineteen years or older, who is certified by a nationally recognized alcohol
7 management program, to draw, pour, mix, serve, and sell alcoholic beverages if the licensee or an
8 employee of the licensee that is at least twenty-year years of age is on the premises when the
9 alcoholic beverage is sold or served.

10 "

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

12 Also MR. PRESIDENT:

13 The Committee on Senate Local Government respectfully reports that it has had under
14 consideration **SB 168** which was deferred to the 41st Legislative Day.

15 Also MR. PRESIDENT:

16 The Committee on Senate Local Government respectfully reports that it has had under
17 consideration **SB 179 and 190** and returns the same with the recommendation that said bills do
18 pass.

19 Respectfully submitted,
20 Herman Otten, Chair

21 MR. PRESIDENT:

22 The Committee on Senate State Affairs respectfully reports that it has had under consideration
23 the nomination of David Gilbertson of Brookings County, Brookings, South Dakota, to the
24 Government Accountability Board and returns the same with the recommendation that the Senate
25 advise and consent to the confirmation of said appointment, and that said appointment be placed
26 on the consent calendar.

27 Also MR. PRESIDENT:

28 The Committee on Senate State Affairs respectfully reports that it has had under consideration
29 **HJR 5001** which was deferred to the 41st Legislative Day.

30 Respectfully submitted,
31 Gary L. Cammack, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Health and Human Services respectfully reports that it has had
34 under consideration **SB 20** and returns the same with the recommendation that said bill be amended
35 as follows:

36 20B

37 On page 1, line 4, of the Introduced bill, after "section," delete " a person may assert the
38 medical purpose for using cannabis as a"

39 On page 1, line 5, of the Introduced bill, after "a " insert "it is an affirmative "

1 On page 1, line 5, of the Introduced bill, after "prosecution" delete " involving"

2 On page 1, line 6, of the Introduced bill, after "involving " insert "for using or possessing "

3 On page 1, line 6, of the Introduced bill, after "such " insert "affirmative "

4 On page 1, line 6, of the Introduced bill, after "valid" insert the comma

5 On page 2, line 1, of the Introduced bill, delete "If the" and insert "The"

6 On page 2, line 1, of the Introduced bill, after "patient" insert " and the person is not in physical
7 possession of the registry identification card"

8 On page 2, line 3, of the Introduced bill, delete "If the" and insert "The"

9 On page 2, line 5, of the Introduced bill, after "offense" insert " or produces the registry
10 identification card to law enforcement within twenty-four hours of the alleged offense"

11 20D

12 On the previously adopted amendment (20B), On page 2, line 7, delete " within twenty-four
13 hours of the alleged offense" and insert " before a finding of guilt"

14 20E

15 On the previously adopted amendment (20D), On page 2, line 7, remove the overstrikes from
16 " within"

17 On the previously adopted amendment (20D), On page 2, line 7, after "twenty-four" insert "
18 forty-eight"

19 On the previously adopted amendment (20D), On page 2, line 7, remove the overstrikes from
20 " hours of the alleged offense"

21 On the previously adopted amendment (20D), On page 2, line 7, after "offense" delete " before
22 a finding of guilt"

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

24 Also MR. PRESIDENT:

25 The Committee on Senate Health and Human Services respectfully reports that it has had
26 under consideration **SB 102** and returns the same with the recommendation that said bill be
27 amended as follows:

28 102B

29 On page 1, line 5, of the Introduced bill, delete "moneys received from the federal government
30 through " and insert "general fund savings realized from "

31 On page 1, line 9, of the Introduced bill, after "by " delete "special "

32 On page 1, line 10, of the Introduced bill, after "costs." delete " Interest earned on money in
33 the fund must be deposited into the fund."

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

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **SB 116 and 147, and HB 1056** and returns the same with the
4 recommendation that said bills do pass.

5 Respectfully submitted,
6 Wayne H. Steinhauer, Chair

7 MR. PRESIDENT:

8 The Committee on Legislative Procedure respectfully reports that **SB 28, 35, 36, 38, 39, 71,**
9 **74, 76, and 80** were delivered to her Excellency, the Governor, for her approval at 9:00 a.m.,
10 February 4, 2022.

11 Respectfully submitted,
12 Lee A. Schoenbeck, Chair

13 **MESSAGES FROM THE HOUSE**

14 MR. PRESIDENT:

15 I have the honor to transmit herewith **HB 1082, 1098, 1136, and 1177** which have passed
16 the House and your favorable consideration is respectfully requested.

17 Also MR. PRESIDENT:

18 I have the honor to inform your honorable body that the House has concurred in Senate
19 amendments to **HB 1025 and 1028.**

20 Also MR. PRESIDENT:

21 I have the honor to inform your honorable body that the House has failed to concur in Senate
22 amendments to **HB 1068** and has appointed Representatives Reed (Chair), Odenbach, and Cwach
23 as a committee of three on the part of the House to meet with a like committee on the part of the
24 Senate to adjust the differences between the two houses.

25 Respectfully,
26 Patricia Miller, Chief Clerk

27 The President Pro Tempore appointed Senators Johns (Chair), Wheeler, and Heinert as a
28 committee of three on the part of the Senate to meet with a like committee on the part of the House
29 to adjust the differences between the two houses on **HB 1068.**

30 **MOTIONS AND RESOLUTIONS**

31 SENATE PAGE RESOLUTION 2 Introduced by: Senators Bolin; Breitling; Cammack;
32 Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock;
33 Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten,
34 Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens;
35 Tobin; Wheeler; Wiik; Zikmund

1 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-seventh
2 Legislature of the State of South Dakota to Abby Allen, Masey Chapin, Benjamin Daggett,
3 Ethan Gladue, Clair Hall, Victoria Larson, Gwyn Nickels, Jack Sandvig, Ellie Simpson, Dillion
4 Unzelman, Madisen Vetter.

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

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

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

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

13 Sen. Duvall moved that Senate Page Resolution 2 be adopted.

14 The question being on Sen. Duvall's motion that Senate Page Resolution 2 be adopted.

15 And the roll being called:

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

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

21 Excused: Breitling, Foster, and Herman Otten

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

24 **SCR 603:** A CONCURRENT RESOLUTION, to raise awareness about tardive dyskinesia.

25 Introduced by: **Senator** Tobin

26 Was read the first time and the President waived the committee referral pursuant to JR 6D-1.

27 Sen. Cammack moved that **SB 113, 117, 135, and 139, and HB 1106** be deferred to
28 Monday, February 7, 2022, the 18th legislative day.

29 Which motion prevailed.

30 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

32 Commerce and Energy on **SB 162** as found on page 169 of the Senate Journal be adopted.

33 Which motion prevailed and the report was adopted.

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1177: FOR AN ACT ENTITLED, An Act to establish provisions regarding ejection of persons from certain lodging establishments and recreational vehicle facilities.

3

4

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

5

HB 1098: FOR AN ACT ENTITLED, An Act to revise requirements for involvement in the medical cannabis program.

6

7

HB 1136: FOR AN ACT ENTITLED, An Act to revise oversight and reporting requirements concerning cannabis.

8

9

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

10

HB 1082: FOR AN ACT ENTITLED, An Act to revise the motor vehicle excise tax on vehicles leased for more than twenty-eight days to include certain off-road vehicles.

11

12

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

13

SECOND READING OF CONSENT CALENDAR ITEMS

14

Sen. Schoenbeck requested that **SB 108** be removed from the Consent Calendar.

15

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

16

17

HB 1050: FOR AN ACT ENTITLED, An Act to repeal obsolete lease requirements for the Black Hills Playhouse.

18

19

HB 1107: FOR AN ACT ENTITLED, An Act to establish a process for requesting records prepared or maintained by court services officers.

20

21

HB 1108: FOR AN ACT ENTITLED, An Act to revise provisions related to driving under the influence.

22

23

HB 1109: FOR AN ACT ENTITLED, An Act to revise a provision related to the review of the master jury list.

24

25

Were read the second time.

26

The question being "Shall **SB 91** pass as amended, and **HB 1050, 1107, 1108, and 1109** pass?"

27

28

And the roll being called:

29

Yeas 33, Nays 0, Excused 2, Absent 0

30

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

31

32

33

