

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

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EIGHTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, February 07, 2022

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

The prayer was offered by the Chaplain, Deacon Kris Wollman, followed by the Pledge of Allegiance led by Senate pages Keegan Baker and Ainsley Brink.

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 17th 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 The oath of office was administered by the President to the following named pages:

2 Keegan Baker, Ainsley Brink, Lucy Farley, Bailey Feistner, Jack Freeburg, Will Hurd, Luta  
3 Keegan, Lany LaPlante, Kinzee Peterson, Breanna Roth, Elle Westra, and Taylor Wetz.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
8 **SB 50** and returns the same with the recommendation that said bill be referred to the Joint  
9 Committee on Appropriations with a Do Pass recommendation.

10 Also MR. PRESIDENT:

11 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
12 **SB 62** and returns the same with the recommendation that said bill be amended as follows:

13 62B

14 On page 1, line 8, of the Introduced bill, delete " Board of Water and Natural Resources" and  
15 insert " board"

16 On page 1, after line 11, of the Introduced bill, insert: "

17 **Section 3.** To be eligible for funding, projects must go through the department and board's  
18 existing funding process, including being listed on the state water plan. The following criteria must  
19 be used to determine funding for eligible projects derived from this Act:

20 (1) Eligible applicants will receive a minimum of a thirty percent grant award subject to the  
21 following limitations. The grant award amount will be limited to a per person project cost based on  
22 the population served by the system or municipality, using the 2020 federal census numbers or  
23 system service numbers, as determined by the board. The grant limit will apply to each applicant,  
24 regardless of the total project cost or the number of projects seeking funding, and will be determined  
25 as follows:

26 (a) Systems or municipalities with service populations of up to one  
27 thousand may receive up to an eighty percent grant with a maximum  
28 total project cost for determining the grant amount limited to nine  
29 thousand dollars per person per applicant for all eligible projects  
30 considered for grants;

31 (b) Systems or municipalities with service populations up to two  
32 thousand five hundred may receive up to a fifty percent grant with a  
33 maximum total project cost for determining the grant amount limited to  
34 seven thousand dollars per person per applicant for all eligible projects  
35 considered for grants; and

36 (c) Systems or municipalities with service populations above two thousand five hundred may  
37 receive a thirty percent grant with a maximum total project cost for determining the grant amount  
38 limited to three thousand dollars per person per applicant for all eligible projects considered for  
39 grants.

40 (2) If an applicant uses local America Rescue Plan Act funds towards the project, those  
41 funds will be matched with state grant funds up to a maximum of five million dollars per municipality

1 or system. Funds provided by the board under this section are not considered as part of the grant  
2 limits in subdivision (1) of this section;

3 (3) The grant limit in subdivision (1) of this section may be exceeded by up to an additional  
4 five percent if the board determines that an applicant currently has average per month user rates,  
5 or will have average per month user rates upon project completion, that are higher than the following  
6 applicable user rate targets:

7 (a) Fifty-five dollars for five thousand gallons for water or sewer for municipal users; or

8 (b) Seventy-five dollars for seven thousand gallons for water or sewer for non-municipal users.

9 (4) Projects addressing regionalization, system consolidation, regionalization and  
10 consolidation, environment and health regulatory compliance issues, drought resiliency, water  
11 availability, nonpoint source improvements, or other significant environmental issues may receive  
12 funding above the grant limits in this Act. The department will evaluate projects and make  
13 recommendations to the board for funding based on merits and positive long-term impacts of the  
14 project; and

15 (5) Eligible engineering studies for projects that contend with long term drought resiliency,  
16 drinking water availability issues, or water or wastewater regionalization projects may be awarded  
17 a grant up to one hundred percent of study cost.

18 If the board determines that the average user rate of the system or municipality will be below  
19 the user rate targets in subdivision (3) of this section, the grant percentage may be less. The board  
20 has discretion to not fund lake dredging and projects that deter cost effective regionalization. "

21 On page 1, line 12, of the Introduced bill, delete "Department of Agriculture and Natural  
22 Resources " and insert " department "

23 On page 1, after line 16, of the Introduced bill, insert: "

24 **Section 6.** "

25 On page 1, line 17, of the Introduced bill, after "4-8. " insert " This Act shall be repealed on  
26 July 1, 2027."

27 And that as so amended said bill be referred to the Joint Committee on Appropriations with a  
28 Do Pass recommendation.

29 Also MR. PRESIDENT:

30 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
31 **SB 85** which was tabled.

32 Respectfully submitted,  
33 Gary L. Cammack, Chair

34 MR. PRESIDENT:

35 The Committee on Senate Health and Human Services respectfully reports that it has had  
36 under consideration **SB 118** and returns the same with the recommendation that said bill be  
37 amended as follows:

38 118A

39 On page 1, line 4, of the Introduced bill, after "SECTION:" delete "A batch of cannabis or  
40 cannabis products submitted to a testing facility pursuant to the rules adopted under § 34-20G-72

1 and promulgated pursuant to chapter 1-26 may not exceed fifty pounds of usable cannabis or  
2 cannabis product intended for sale to a cardholder or nonresident cardholder. The"

3 On page 1, line 7, of the Introduced bill, after "The " insert "A "

4 On page 1, line 7, of the Introduced bill, after "sample " insert "of cannabis or cannabis products  
5 submitted to a testing facility "

6 On page 1, line 9, of the Introduced bill, after "opened." insert " Testing is only required for  
7 cannabis and cannabis products intended for retail sale to a cardholder or nonresident cardholder."

8 On page 1, after line 9, of the Introduced bill, insert: "

9 **Section 2. That § 34-20G-72 be AMENDED:**

10 **34-20G-72.** ~~Not later than October 29, 2021, the~~The department shall promulgate rules  
11 pursuant to chapter 1-26:

12 (1) Governing the manner in which the department shall consider petitions from the  
13 public to add a debilitating medical condition or treatment to the list of debilitating medical conditions  
14 as defined by this chapter, including public notice of and an opportunity to comment in public  
15 hearings on the petitions;

16 (2) Establishing the form and content of registration and renewal applications submitted  
17 under this chapter;

18 (3) Establishing a system to numerically score competing medical cannabis  
19 establishment applicants, in cases where more applicants apply than are allowed by the local  
20 government, that includes analysis of:

21 (a) The preference of the local government;

22 (b) In the case of dispensaries, the suitability of the proposed location and its  
23 accessibility for patients;

24 (c) The character, veracity, background, qualifications, and relevant experience of  
25 principal officers and board members; and

26 (d) The business plan proposed by the applicant, that in the case of a cultivation facility  
27 or dispensary shall include the ability to maintain an adequate supply of cannabis, plans to ensure  
28 safety and security of patrons and the community, procedures to be used to prevent diversion, and  
29 any plan for making cannabis available to low-income registered qualifying patients;

30 (4) Governing the manner in which the department shall consider applications for and  
31 renewals of registry identification cards, that may include creating a standardized written  
32 certification form;

33 (5) Governing medical cannabis establishments to ensure the health and safety of  
34 qualifying patients and prevent diversion and theft without imposing an undue burden or  
35 compromising the confidentiality of a cardholder, including:

36 (a) Oversight requirements;

37 (b) Record-keeping requirements;

38 (c) Security requirements, including lighting, physical security, and alarm  
39 requirements;

- 1 (d) Health and safety regulations, including restrictions on the use of pesticides that are  
2 injurious to human health;
- 3 (e) Standards for the manufacture of cannabis products and both the indoor and  
4 outdoor cultivation of cannabis by a cultivation facility;
- 5 (f) Requirements for the transportation and storage of cannabis by a medical cannabis  
6 establishment;
- 7 (g) Employment and training requirements, including requiring that each medical  
8 cannabis establishment create an identification badge for each agent;
- 9 (h) Standards for the safe manufacture of cannabis products, including extracts and  
10 concentrates;
- 11 (i) Restrictions on the advertising, signage, and display of medical cannabis, provided that the  
12 restrictions may not prevent appropriate signs on the property of a dispensary, listings in business  
13 directories including phone books, listings in marijuana-related or medical publications, or the  
14 sponsorship of health or not-for-profit charity or advocacy events;
- 15 (j) Requirements and procedures for the safe and accurate packaging and labeling of medical  
16 cannabis; ~~and~~
- 17 (k) Certification standards for testing facilities, including requirements for equipment  
18 and qualifications for personnel; and
- 19 (l) Requirements for samples of cannabis and cannabis products submitted to testing facilities,  
20 including batch sizes to not exceed fifty pounds of cannabis intended for retail sale, batch sizes for  
21 homogenous cannabis products intended for retail sale, and procedures to ensure representative  
22 sampling;
- 23 (6) Establishing procedures for suspending or terminating the registration certificates  
24 or registry identification cards of cardholders and medical cannabis establishments that commit  
25 multiple or serious violations of this chapter;
- 26 (7) Establishing labeling requirements for cannabis and cannabis products, including  
27 requiring cannabis product labels to include the following:
- 28 (a) The length of time it typically takes for a product to take effect;
- 29 (b) Disclosing ingredients and possible allergens;
- 30 (c) A nutritional fact panel; and
- 31 (d) Requiring that edible cannabis products be clearly identifiable, when practicable,  
32 with a standard symbol indicating that it contains cannabis;
- 33 (8) Establishing procedures for the registration of nonresident cardholders and the  
34 cardholder's designation of no more than two dispensaries, which shall require the submission of:
- 35 (a) A practitioner's statement confirming that the patient has a debilitating medical  
36 condition; and
- 37 (b) Documentation demonstrating that the nonresident cardholder is allowed to possess  
38 cannabis or cannabis preparations in the jurisdiction where the nonresident cardholder resides;
- 39 (9) Establishing the amount of cannabis products, including the amount of concentrated  
40 cannabis, each cardholder and nonresident cardholder may possess; and

1 (10) Establishing reasonable application and renewal fees for registry identification cards  
2 and registration certificates, according to the following:

3 (a) Application fees for medical cannabis establishments may not exceed five thousand  
4 dollars, with this upper limit adjusted annually for inflation;

5 (b) The total fees collected shall generate revenues sufficient to offset all expenses of  
6 implementing and administering this chapter;

7 (c) A sliding scale of patient application and renewal fees based upon a qualifying  
8 patient's household income;

9 (d) The fees charged to qualifying patients, nonresident cardholders, and caregivers  
10 shall be no greater than the costs of processing the application and issuing a registry identification  
11 card or registration; and

12 (e) The department may accept donations from private sources to reduce application  
13 and renewal fees.

14 A violation of a required or prohibited action under any rule authorized by this section is a  
15 Class 2 misdemeanor."

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

17 Also MR. PRESIDENT:

18 The Committee on Senate Health and Human Services respectfully reports that it has had  
19 under consideration **SB 189** and returns the same with the recommendation that said bill be  
20 referred to the Joint Committee on Appropriations with a Do Pass recommendation.

21 Also MR. PRESIDENT:

22 The Committee on Senate Health and Human Services respectfully reports that it has had  
23 under consideration **HB 1103** and returns the same with the recommendation that said bill do pass.

24 Respectfully submitted,  
25 Wayne H. Steinhauer, Chair

26 MR. PRESIDENT:

27 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
28 Enrolling has carefully compared **SB 9** and finds the same correctly enrolled.

29 Respectfully submitted,  
30 Lee A. Schoenbeck, Chair

31 MR. PRESIDENT:

32 The Committee on Legislative Procedure respectfully reports that **SB 5 and 37** were delivered  
33 to her Excellency, the Governor, for her approval at 9:00 a.m., February 7, 2022.

34 Respectfully submitted,  
35 Lee A. Schoenbeck, Chair

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**MESSAGES FROM THE HOUSE**

2

MR. PRESIDENT:

3

I have the honor to return herewith **SB 9** which has passed the House without change.

4

Also MR. PRESIDENT:

5

6

I have the honor to transmit herewith **HB 1024, 1083, 1121, 1122, 1123, 1160, 1173, and 1253** which have passed the House and your favorable consideration is respectfully requested.

7

Also MR. PRESIDENT:

8

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10

11

I have the honor to inform your honorable body that the House has failed to concur in Senate amendments to **HB 1044** and has appointed Representatives Mortenson (Chair), Weis, and Lesmeister as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

12

13

Respectfully,  
Patricia Miller, Chief Clerk

14

15

16

The President announced Senators Steinhauer (Chair), Novstrup, and Nesiba as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1044**.

17

**MOTIONS AND RESOLUTIONS**

18

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

19

Was read the second time.

20

Sen. Tobin moved that **SCR 603** as found on page 182 of the Senate Journal be adopted.

21

The question being on Sen. Tobin's motion that **SCR 603** be adopted.

22

And the roll being called:

23

Yeas 35, Nays 0, Excused 0, Absent 0

24

25

26

27

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

28

29

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **SCR 603** was adopted.

30

31

Sen. Curd moved that the Committee on State Affairs be instructed to deliver **HJR 5001** to the floor of the Senate, pursuant to JR 7-7.

32

Which motion was supported and the committee was so instructed.

1 Sen. Cammack moved that **SB 162 and 179, and HB 1069** be deferred to Tuesday, February  
2 8, 2022, the 19<sup>th</sup> legislative day.

3 Which motion prevailed.

4 Sen. Cammack moved that **SB 139** be deferred to Wednesday, February 9, 2022, the 20<sup>th</sup>  
5 legislative day.

6 Which motion prevailed.

7 Sen. Cammack moved that **SB 116** be deferred to Monday, February 14, 2022, the 22<sup>nd</sup>  
8 legislative day.

9 Which motion prevailed.

### 10 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

12 Health and Human Services on **SB 20** as found on page 179 of the Senate Journal and **SB 102**  
13 as found on page 180 of the Senate Journal; also

14 Local Government on **SB 101** as found on page 178 of the Senate Journal; and

15 Transportation on **HB 1078** as found on page 178 of the Senate Journal be adopted.

16 Which motion prevailed and the reports were adopted.

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

18 **HB 1173:** FOR AN ACT ENTITLED, An Act to include a common paymaster as within the  
19 meaning of employing unit.

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

21 **HB 1024:** FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions regarding  
22 self-support tuition rates at off-campus locations governed by the Board of Regents.

23 Was read the first time and referred to the Senate Committee on Appropriations.

24 **HB 1121:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to advanced life  
25 support personnel.

26 **HB 1122:** FOR AN ACT ENTITLED, An Act to require criminal background checks for emergency  
27 medical technicians and advanced life support personnel.

28 **HB 1123:** FOR AN ACT ENTITLED, An Act to establish licensure for rural emergency hospitals.

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



1 **HB 1160:** FOR AN ACT ENTITLED, An Act to clarify bond or pre-trial release upon sobriety  
2 program participation.

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

4 **HB 1083:** FOR AN ACT ENTITLED, An Act to provide a partial property tax exemption for the  
5 surviving spouses of certain veterans.

6 **HB 1253:** FOR AN ACT ENTITLED, An Act to provide property assessment freeze and reduction  
7 of property assessment for certain seniors, and to revise qualifications for a property tax exemption.

8 Were read the first time and referred to the Committee on Taxation.

9 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

10 Sen. Cammack requested that the nomination of David Gilbertson be removed from the  
11 Consent Calendar pursuant to JR 13-2.

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 **HB 1070:** FOR AN ACT ENTITLED, An Act to clarify certain provisions of the rural access  
14 infrastructure improvements grant program.

15 Was read the second time.

16 The question being "Shall **HB 1070** pass?"

17 And the roll being called:

18 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

26 **SJR 502:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
27 election an amendment to the Constitution of the State of South Dakota, providing for wagering on  
28 sporting events via mobile or electronic platform.

29 Was read the second time.

1 The question being "Shall **SJR 502** pass as amended?"

2 And the roll being called:

3 Yeas 18, Nays 17, Excused 0, Absent 0

4 Yeas: Breitling, Castleberry, Crabtree, Curd, Diedrich, Foster, Frye-Mueller, Brock Greenfield,  
5 Heinert, Maher, Nesiba, Herman Otten, Rohl, Schoenfish, V. J. Smith, Tobin, Wheeler, and Zikmund

6 Nays: Bolin, Cammack, Duhamel, Duvall, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,  
7 Novstrup, Rusch, Schoenbeck, Stalzer, Steinhauer, Sutton, Symens, and Wiik

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

10 **SB 6:** FOR AN ACT ENTITLED, An Act to revise provisions related to prohibited conduct by  
11 schools and landlords related to medical cannabis.

12 Was read the second time.

13 The question being "Shall **SB 6** pass?"

14 And the roll being called:

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

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

20 Nays: Foster, Heinert, and Nesiba

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

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

25 Having had its second reading was up for consideration and final passage.

26 The question now being on Sen. Curd's pending motion to amend **SB 24** as found on page 194  
27 of the Senate Journal.

28 Sen. Rohl made a substitute motion that **SB 24** be amended as follows:

29 24C

30 On page 1, line 11, of the Senate Health and Human Services Engrossed bill, after "three "  
31 insert "flowering "

32 On page 1, line 11, of the Senate Health and Human Services Engrossed bill, after "physician"  
33 insert " and three cannabis plants that are not flowering"

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

- 1 (14)" insert ""Flowering cannabis plant," the reproductive state of the cannabis plant in which  
2 the plant shows physical signs of flower budding out of the nodes of the stem;
- 3 (15) "
- 4 On page 3, line 12, of the Senate Health and Human Services Engrossed bill, delete "(15)" and  
5 insert "(16)"
- 6 On page 3, line 16, of the Senate Health and Human Services Engrossed bill, delete "(16)" and  
7 insert "(17)"
- 8 On page 3, line 18, of the Senate Health and Human Services Engrossed bill, delete "(17)" and  
9 insert "(18)"
- 10 On page 3, line 20, of the Senate Health and Human Services Engrossed bill, delete "(18)" and  
11 insert "(19)"
- 12 On page 3, line 31, of the Senate Health and Human Services Engrossed bill, delete "(19)" and  
13 insert "(20)"
- 14 On page 4, line 10, of the Senate Health and Human Services Engrossed bill, delete "(20)" and  
15 insert "(21)"
- 16 On page 4, line 14, of the Senate Health and Human Services Engrossed bill, delete "(21)" and  
17 insert "(22)"
- 18 On page 4, line 16, of the Senate Health and Human Services Engrossed bill, delete "(22)" and  
19 insert "(23)"
- 20 On page 4, line 20, of the Senate Health and Human Services Engrossed bill, delete "(23)" and  
21 insert "(24)"
- 22 On page 5, line 4, of the Senate Health and Human Services Engrossed bill, after "three" insert  
23 " flowering"
- 24 On page 5, line 5, of the Senate Health and Human Services Engrossed bill, after "physician, "  
25 insert "three cannabis plants that are not flowering, "
- 26 Which motion prevailed.
- 27 The question being "Shall **SB 24** pass as amended?"
- 28 And the roll being called:
- 29 Yeas 30, Nays 5, Excused 0, Absent 0
- 30 Yeas: Bolin, Breitling, Castleberry, Crabtree, Curd, Diedrich, Duvall, Foster, Frye-Mueller,  
31 Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten,  
32 Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, Sutton, Symens, Tobin, Wheeler,  
33 Wiik, and Zikmund
- 34 Nays: Cammack, Duhamel, Heinert, Nesiba, and Stalzer
- 35 So the bill having received an affirmative vote of a majority of the members-elect, the President  
36 declared the bill passed and the title was agreed to.

1 **SB 113:** FOR AN ACT ENTITLED, An Act to add nabiximols as a Schedule III controlled  
2 substance.

3 Was read the second time.

4 Sen. Tobin moved that **SB 113** be laid on the table.

5 The question being on Sen. Tobin's motion that **SB 113** be laid on the table.

6 And the roll being called:

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

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

12 Nays: Curd, Heinert, and Stalzer

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 President declared the motion carried and **SB 113** was tabled.

15 **SB 117:** FOR AN ACT ENTITLED, An Act to repeal the requirement for an annual report by the  
16 Board of Regents on intellectual diversity and the free exchange of ideas.

17 Was read the second time.

18 The question being "Shall **SB 117** pass?"

19 And the roll being called:

20 Yeas 28, Nays 7, Excused 0, Absent 0

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

24 Nays: Bolin, Frye-Mueller, Maher, Novstrup, Stalzer, Sutton, and Symens

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

27 **SB 135:** FOR AN ACT ENTITLED, An Act to revise provisions regarding agritourism liability.

28 Was read the second time.

29 The question being "Shall **SB 135** pass?"

30 And the roll being called:

31 Yeas 31, Nays 4, Excused 0, Absent 0

1 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
2 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Klumb, Kolbeck, Maher, Nesiba, Novstrup,  
3 Herman Otten, Rohl, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler,  
4 Wiik, and Zikmund

5 Nays: Johns, David Johnson, Rusch, and Schoenbeck

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

8 **SB 147:** FOR AN ACT ENTITLED, An Act to authorize the construction and operation of a  
9 nursing facility in Lyman County and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **SB 147** pass?"

12 And the roll being called:

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

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

18 Nays: Bolin

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

21 **SB 190:** FOR AN ACT ENTITLED, An Act to revise provisions regarding municipal zoning of  
22 medical cannabis establishments.

23 Was read the second time.

24 The question being "Shall **SB 190** pass?"

25 And the roll being called:

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

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

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

33 **SB 108:** FOR AN ACT ENTITLED, An Act to modify and repeal certain reporting requirements  
34 to the Executive Board of the Legislative Research Council.

35 Was read the second time.

1 Sen. Wheeler moved that **SB 108** be amended as follows:

2 108A

3 On page 1, line 1, of the Introduced bill, after "to " delete "modify and "

4 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 13-1-60 be  
5 AMENDED:

6 "

7 On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "13-1-60. If any department,  
8 board, or commission of the state administers a licensure or certification examination to any person  
9 who completed a degree program at an institution under the control of the Board of Regents, the  
10 department, board, or commission shall annually report to the Board of Regents and, the  
11 Department of Labor and Regulation, and the Executive Board of the Legislative Research Council  
12 the following:

13 (1) The number of persons who completed a degree program at each institution under the  
14 control of the Board of Regents to whom the department, board, or commission administered a  
15 licensure or certification examination during that year; and

16 (2) The number of persons in subdivision (1) who successfully passed the licensure or  
17 certification examination, including any subparts of any licensure or certification process."

18 On page 1, line 16, of the Introduced bill, after "process." delete "Section 2. That § 13-1-61  
19 be AMENDED:

20 "

21 On page 1, line 17, of the Introduced bill, after "AMENDED:" delete "13-1-61. If any  
22 department, board, or commission of the state administers a licensure or certification examination  
23 to any person who completes a degree program or a training program at a public technical college  
24 in the state, the department, board, or commission shall annually report to the Board of Technical  
25 Education and, the Department of Labor and Regulation, and the Executive Board of the Legislative  
26 Research Council the following:

27 (1) The number of persons who completed a degree program or training program at each  
28 public technical college in the state and to whom the department, board, or commission  
29 administered a licensure or certification examination during that year; and

30 (2) The number of persons in subdivision (1) who successfully passed the licensure or  
31 certification examination, including any subparts of any licensure or certification process."

32 Which motion prevailed.

33 The question being "Shall **SB 108** pass as amended?"

34 And the roll being called:

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

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

40 Nays: Herman Otten

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

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

4 **HB 1106:** FOR AN ACT ENTITLED, An Act to provide for the security and privacy of certain  
5 personally identifiable information for judicial officers and to declare an emergency.

6 Was read the second time.

7 The question being "Shall **HB 1106** pass as amended?"

8 And the roll being called:

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

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

14 Nays: Wheeler

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

17 Sen. Cammack moved that **HB 1056** be deferred to Tuesday, February 8, 2022, the 19<sup>th</sup>  
18 legislative day.

19 Which motion prevailed.

20 There being no objection, the Senate reverted to Order of Business No. 8 - Motions and  
21 Resolutions.

22 Sen. Schoenbeck moved that **SB 99 and 205** be referred from the Joint Committee on  
23 Appropriations to the Committee on State Affairs.

24 Which motion prevailed.

25 Sen. Schoenbeck moved that **SB 110 and 131** be referred from the Joint Committee on  
26 Appropriations to the Senate Committee on Appropriations.

27 Which motion prevailed.

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**SIGNING OF BILLS**

2

The President publicly read the title to

3

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

4

5

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

6

7

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

8

**HB 1025:** FOR AN ACT ENTITLED, An Act to update legal holidays in South Dakota.

9

And signed the same in the presence of the Senate.

10

11

Sen. Castleberry moved that the Senate do now adjourn, which motion prevailed and at 3:57 p.m. the Senate adjourned.

12

Kay Johnson, Secretary