

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 17, 2022

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

The prayer was offered by the Chaplain, Rev. John Fette, followed by the Pledge of Allegiance led by Senate page Taylor Wetz.

Roll Call: All members present except Sens. Curd, Frye-Mueller, and Heinert 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 24th 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

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Senate Committee on Appropriations respectfully reports that it has had under
4 consideration **SB 50, 54, 61, 130, and 170** and returns the same with the recommendation that
5 said bills do pass.

6 Also MR. PRESIDENT:

7 The Senate Committee on Appropriations respectfully reports that it has had under
8 consideration **SB 53** and returns the same with the recommendation that said bill be amended as
9 follows:

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

11 Also MR. PRESIDENT:

12 The Senate Committee on Appropriations respectfully reports that it has had under
13 consideration **SB 58** and returns the same with the recommendation that said bill be amended as
14 follows:

15 58A

16 On page 1, after line 19, of the Introduced bill, insert: "

17 **Section 4.** Any surplus equipment available after the construction, completion, furnishing, and
18 equipping of a new state public health laboratory and the renovation of the existing laboratory
19 facility shall be offered to the technical colleges and public universities at no cost."

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

21 Also MR. PRESIDENT:

22 The Senate Committee on Appropriations respectfully reports that it has had under
23 consideration **SB 62** and returns the same with the recommendation that said bill be amended as
24 follows:

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

26 Also MR. PRESIDENT:

27 The Senate Committee on Appropriations respectfully reports that it has had under
28 consideration **SB 155** and returns the same with the recommendation that said bill be amended as
29 follows:

30 155B

31 On page 1, line 1, of the Introduced bill, after "to " delete "create the families first grant
32 program and "

33 On page 1, line 1, delete " therefor" and insert " for programs that assist victims of domestic
34 violence, abuse, and neglect and to declare an emergency"

35 On the Introduced bill, delete everything after the enacting clause and insert:

36 "

1 **Section 1.** There is hereby appropriated from the general fund the sum of \$5,000,000 to the
2 Department of Public Safety, for purposes of providing grants through the victims' services program
3 to organizations that provide support for victims of domestic violence, abuse, and neglect.

4 **Section 2.** The secretary of the Department of Public Safety shall approve vouchers and the
5 state auditor shall draw warrants to pay expenditures authorized by this Act.

6 **Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert
7 in accordance with the procedures prescribed in chapter 4-8.

8 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
10 force and effect from and after its passage and approval."

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

12 Respectfully submitted,
13 Jean Hunhoff, Chair

14 MR. PRESIDENT:

15 The Committee on Senate Judiciary respectfully reports that it has had under consideration
16 **SB 119** and returns the same with the recommendation that said bill do pass, and having been
17 certified as uncontested, be placed on the consent calendar.

18 Also MR. PRESIDENT:

19 The Committee on Senate Judiciary respectfully reports that it has had under consideration
20 **SB 120** and returns the same with the recommendation that said bill be amended as follows:

21 120A

22 On page 1, line 17, of the Introduced bill, delete "Disseminate" and insert " Knowingly and
23 intentionally disseminate"

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

25 Also MR. PRESIDENT:

26 The Committee on Senate Judiciary respectfully reports that it has had under consideration
27 **SB 150** and returns the same with the recommendation that said bill be amended as follows:

28 150A

29 On page 1, line 1, of the Introduced bill, delete " criteria regarding marijuana" and insert "
30 provisions concerning the sale of adult-use retail marijuana"

31 On the Introduced bill, delete everything after the enacting clause and insert:

32 "

33 **Section 1.** The Legislature does not endorse the sale, possession, and consumption of adult-
34 use marijuana. Recognizing the possibility that the voters may approve an initiated measure
35 authorizing the sale, possession, and consumption of adult-use marijuana at the next general
36 election, the Legislature believes it necessary to establish provisions concerning the sale,
37 possession, and consumption of adult-use marijuana. Accordingly, the Legislature enacts this
38 legislation to put in place a system for the sale, possession, and consumption of adult-use marijuana

1 that may be authorized by the passage of an initiated measure at the general election on November
2 8, 2022.

3 **Section 2.** If the voters approve an initiated measure authorizing the sale, possession, and
4 consumption of adult-use marijuana at the general election on November 8, 2022:

5 (1) This Act, except section 9, is effective July 1, 2023; and

6 (2) Notwithstanding § 2-1-12, section 9 is effective on the first day after the completion
7 of the official canvass by the State Canvassing Board. As soon as practicable after the effective date
8 of section 9, the secretary shall begin the rule promulgation process under the authority provided
9 under section 9 with the intention that licenses authorized by this Act may be issued by the
10 department beginning July 1, 2023.

11 **Section 3. That a NEW SECTION be added to title 34:**

12 Terms used in this Act mean:

13 (1) "Adult-use retail marijuana," marijuana that is sold in a retail dispensary location;

14 (2) "Adult-use marijuana retailer" or "retailer," any person who is licensed to sell marijuana
15 for other than resale;

16 (3) "Department," the Department of Revenue;

17 (4) "Dispensary," an entity licensed pursuant to this chapter that acquires, possesses, stores,
18 delivers, transfers, transports, sells, supplies, or dispenses marijuana, marijuana products, and
19 related supplies to a consumer;

20 (5) "Marijuana," the plant of the genus cannabis, and any part of that plant, including the
21 seeds, the resin extracted from any part of the plant, and every compound, manufacture, salt,
22 derivative, mixture, or preparation of the plant, its seeds, or its resin. The term includes an altered
23 state of marijuana absorbed into the human body. The term does not include hemp, or fiber
24 produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant
25 that is incapable of germination, or the weight of any other ingredient combined with marijuana to
26 prepare topical or oral administrations, food, drink, or other products;

27 (6) "Sale," the transfer, for consideration, of title to any adult-use marijuana;

28 (7) "Secretary," the secretary of revenue.

29 **Section 4. That a NEW SECTION be added to title 34:**

30 The secretary shall administer this Act and may employ help and purchase equipment and
31 supplies that are necessary for performance of the secretary's duties.

32 **Section 5. That a NEW SECTION be added to title 34:**

33 Neither the secretary nor any employee of the department that issues any adult-use retail
34 marijuana license may have any interest, financial or otherwise, in the production, transportation,
35 storage, or sale of marijuana.

36 **Section 6. That a NEW SECTION be added to title 34:**

37 No person may produce, transport, store, or sell any marijuana except as authorized under
38 this Act and under rules promulgated by the department pursuant to chapter 1-26. This section does
39 not apply to medical cannabis pursuant to chapter 34-20G.

40 **Section 7. That a NEW SECTION be added to title 34:**

No person may transact any business as an adult-use marijuana retailer without an adult-use retail marijuana license as provided by this Act and under rules promulgated by the department pursuant to chapter 1-26. A violation of this section is a Class 1 misdemeanor.

Section 8. That a NEW SECTION be added to title 34:

Any person who, in any application, report, or statement, knowingly makes a false statement as to any matter required by any provision of this Act or under rules promulgated by the department pursuant to chapter 1-26 to be set forth in the application, report, or statement, is guilty of a Class 1 misdemeanor.

Section 9. That a NEW SECTION be added to title 34:

The secretary shall promulgate rules, pursuant to chapter 1-26, regarding the sale, purchase, distribution, and licensing of adult-use retail marijuana for the effective implementation and enforcement of this Act.

Section 10. That a NEW SECTION be added to title 34:

Any applicant for a new adult-use retail marijuana license or the transfer of an existing adult-use retail marijuana license must submit an application to the governing body of the municipality in which the applicant intends to operate, or if outside the corporate limits of a municipality, to the governing body of the county in which the applicant intends to operate. The governing body may approve the application for a new adult-use retail marijuana license or the transfer of an existing adult-use retail marijuana license if the governing body considers the applicant suitable to hold the adult-use retail marijuana license and the governing board considers the proposed location to be suitable.

Any application for the reissuance of an adult-use retail marijuana license may be approved by the municipal or county governing body without a hearing unless, in the past year, the adult-use retail marijuana licensee or one or more of the adult-use retail marijuana licensee's employees have been convicted of a violation of the adult-use retail marijuana law or the adult-use retail marijuana license has been suspended.

Section 11. That a NEW SECTION be added to title 34:

Any adult-use retail marijuana licensee under this Act must be a person of good moral character who has never been convicted of a felony. If the licensee is a corporation, the managing officers of the corporation must meet the same qualifications.

Section 12. That a NEW SECTION be added to title 34:

An applicant for an adult-use retail marijuana license must meet the following criteria:

(1) Obtain a license pursuant to subdivision 35-4-2(3) or 35-4-2(16) prior to applying for a license under this chapter; and

(2) Submit to a background investigation. If the applicant is a partnership or corporation, the requirement for a background check includes each partner of a partnership and each director and officer and all stockholders in the corporation, its parent corporation, or its subsidiary corporation.

Section 13. That a NEW SECTION be added to title 34:

No adult-use retail marijuana licensee may sell any adult-use retail marijuana between the hours of two a.m. and seven a.m. A violation of this section is a Class 2 misdemeanor.

Section 14. That a NEW SECTION be added to title 34:

The department shall promulgate rules, pursuant to chapter 1-26, establishing the types of marijuana products that may be sold by an adult-use marijuana retailer.

1 **Section 15. That a NEW SECTION be added to title 34:**

2 It is a Class 1 misdemeanor for an adult-use retail marijuana licensee to furnish marijuana to
3 any person under the age of eighteen years.

4 **Section 16. That a NEW SECTION be added to title 34:**

5 It is a Class 2 misdemeanor for an adult-use retail marijuana licensee to furnish marijuana to
6 any person eighteen years or older but less than twenty-one years.

7 **Section 17. That a NEW SECTION be added to title 34:**

8 No person may be convicted of illegally selling any adult-use retail marijuana to any underage
9 person pursuant to section 15 or 16 of this Act if the underage person was in possession of, and the
10 seller relied upon, any false, age-bearing identification document that was furnished to the underage
11 person by any state agency or local law enforcement agency or any agent, employee, contractor,
12 or associate of any state agency or local law enforcement agency for the purpose of attempting to
13 illegally purchase any adult-use retail marijuana.

14 **Section 18. That a NEW SECTION be added to title 34:**

15 No criminal penalty may be imposed on an adult-use retail marijuana licensee licensed
16 pursuant to this Act if:

17 (1) The person making the sale in violation of section 15 or 16 of this Act is an employee or
18 agent of the adult-use retail marijuana licensee;

19 (2) The employee or agent does not own a controlling interest in the adult-use retail marijuana
20 licensee; and

21 (3) The adult-use marijuana licensee or person having a controlling interest in the adult-use
22 retail marijuana licensee is not present at the time of the sale.

23 **Section 19. That a NEW SECTION be added to title 34:**

24 It is a Class 2 misdemeanor for any person under the age of twenty-one years to purchase or
25 attempt to purchase adult-use retail marijuana or to misrepresent the person's age with the use of
26 any document for the purpose of purchasing or attempting to purchase adult-use retail marijuana
27 from any adult-use retail marijuana licensee.

28 **Section 20. That a NEW SECTION be added to title 34:**

29 No person under the age of twenty-one years may be subject to any penalty arising out of
30 underage consumption or possession of marijuana if that person contacts law enforcement or
31 emergency medical services and reports that a person needs medical assistance due to marijuana
32 consumption and that person remains and cooperates with medical assistance and law enforcement
33 personnel on the scene.

34 **Section 21. That a NEW SECTION be added to title 34:**

35 It is a Class 1 misdemeanor for any person twenty-one years of age or older to purchase or
36 otherwise acquire adult-use retail marijuana from a retailer and to give or resell the adult-use retail
37 marijuana to any person under the age of twenty-one years.

38 **Section 22. That a NEW SECTION be added to title 34:**

39 No social host or adult-use retail marijuana licensee is civilly liable to any injured person or the
40 injured person's estate for any injury suffered, including any action for wrongful death, or property
41 damage suffered, because of the sale or consumption of any marijuana in violation of the provisions
42 of this chapter.

Section 23. That a NEW SECTION be added to title 34:

Any structure, conveyance, or place where marijuana is manufactured, sold, kept, bartered, given away, found, consumed, or used in violation of the laws of the state relating to adult-use retail marijuana, and all marijuana and property kept and used in maintaining the same, is a common nuisance, and any person who maintains such a common nuisance is guilty of a Class 1 misdemeanor.

Section 24. That a NEW SECTION be added to title 34:

If a person has knowledge or reason to believe that the person's structure, conveyance, or place is occupied or used for the manufacture, sale, bartering, giving away, keeping, consuming, or using of marijuana, contrary to the provisions of the laws of the state, and if the person allows the structure, conveyance, or place to be so occupied or used, the structure, conveyance, or place is subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation. The lien may be enforced by action in any court having jurisdiction.

Section 25. That a NEW SECTION be added to title 34:

An action to enjoin any nuisance as defined in section 23 of this Act may be brought in the name of the state by the attorney general or by the state's attorney of the county in which the property constituting the nuisance is located. Any action to abate or to enjoin the nuisance may be commenced and conducted as other actions or proceedings for injunction. However, the complaint or affidavit used may be made on information and belief and no bond is required in instituting the proceedings or to secure the issuance of any such injunction.

Section 26. That a NEW SECTION be added to title 34:

If, in an action pursuant to section 25 of this Act, it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that a nuisance exists, a temporary writ of injunction shall be issued, restraining the defendant from conducting or permitting the continuance of the nuisance until the conclusion of the trial. If a temporary injunction is sought, the court may issue an order restraining the defendant and all other persons from removing, or in any way interfering, with the marijuana or fixtures, or other things used in connection with the violation of the laws of this state constituting the nuisance.

Section 27. That a NEW SECTION be added to title 34:

It is not necessary in an action pursuant to section 25 of this Act for the court to find the property involved was being unlawfully used as described in section 23 of this Act at the time of the hearing. However, on finding that the material allegations of the petition are true, the court shall order that no marijuana may be manufactured, sold, bartered, or stored in the structure, conveyance, or place. Upon judgment of the court ordering the nuisance to be abated, the court may order that the structure, conveyance, or place not be occupied or used for one year thereafter."

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 151** and returns the same with the recommendation that said bill be amended as follows:

151A

On page 1, line 5, of the Introduced bill, after "Any" delete " charge or conviction resulting from"

On page 1, line 5, of the Introduced bill, after "a " insert "case consisting of "

On page 1, line 6, of the Introduced bill, after "following " insert "charges or convictions "

1 On page 1, line 6, of the Introduced bill, after "record " insert "five years after disposition "

2 On page 1, line 7, of the Introduced bill, after "satisfied" insert " and the defendant has not
3 been convicted of any further offenses within those five years"

4 On page 1, line 8, of the Introduced bill, delete " a" and insert " all charges are"

5 On page 1, line 8, of the Introduced bill, delete " offense" and insert " offenses"

6 On page 1, line 8, of the Introduced bill, delete "violation" and insert " violations"

7 On page 1, line 8, of the Introduced bill, after "or" delete " a"

8 On page 1, line 8, of the Introduced bill, after "2" delete " misdemeanor was the highest
9 charged offense "

10 On page 1, line 11, of the Introduced bill, after "satisfied" delete " , five years have passed
11 since the charge or conviction, and the defendant has not been convicted of any further offenses
12 within those five years"

13 On page 1, line 13, of the Introduced bill, after "years." insert " misdemeanors"

14 On page 1, line 14, of the Introduced bill, after "or

15 (2) A " insert "case in which all charges are petty offenses, municipal ordinance violations,
16 Class 2 misdemeanors, and "

17 On page 1, line 14, of the Introduced bill, delete " misdemeanor" and insert " misdemeanors"

18 On page 1, line 15, of the Introduced bill, after "marijuana" delete " was the highest charged
19 offense in the case, five years have passed since the charge or conviction, and the defendant has
20 not been convicted of any further offenses within those five years"

21 On page 1, line 22, of the Introduced bill, delete " law enforcement" and insert " the Division
22 of Criminal Investigation"

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

24 Respectfully submitted,
25 Arthur Rusch, Chair

26 MR. PRESIDENT:

27 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
28 had under consideration **SB 201** and returns the same with the recommendation that said bill be
29 amended as follows:

30 201B

31 On page 2, line 1, of the Introduced bill, after "hemp" insert " with a total delta-9
32 tetrahydrocannabinol concentration of not more than three-tenths of one percent, derived from or
33 made by processing industrial hemp"

34 On page 2, line 3, of the Introduced bill, after "field " insert "or greenhouse "

35 On page 2, line 17, of the Introduced bill, delete " the transfer of hemp product between one
36 or more state or federally licensed hemp processors during the process of processing state or
37 federally approved, lab-tested biomass from licensed growers into a finished industrial hemp

1 product" and insert " the product being processed by a state licensed hemp processor or the transfer
2 of that product at no higher than five percent total delta-9 tetrahydrocannabinol between one or
3 more licensed hemp processors during the process of processing state or federally approved, lab-
4 tested biomass from a licensed grower into a finished industrial hemp product"

5 On page 3, line 26, of the Introduced bill, after "acre" insert " with a three hundred plant
6 minimum"

7 On page 3, line 26, of the Introduced bill, after "greenhouse" insert " with a fifty plant
8 minimum,"

9 On page 4, line 4, of the Introduced bill, after "38-35-3. " insert "Applicants for a research
10 license must be affiliated with an accredited university. "

11 On page 4, line 7, of the Introduced bill, after "produced " insert "or processed "

12 On page 4, line 10, of the Introduced bill, after "seed" delete " and industrial hemp product"

13 On page 8, line 11, of the Introduced bill, after "dollars, " insert "a remediation fee not to
14 exceed one hundred dollars per hour, "

15 On page 8, line 21, of the Introduced bill, after "Agriculture;" delete " and"

16 On page 8, line 24, of the Introduced bill, after "results" insert "; and

17 (3) Establish labeling requirements for industrial hemp products"

18 On page 8, line 28, of the Introduced bill, after "the " insert "total "

19 On page 8, line 29, of the Introduced bill, after "a " insert "total "

20 On page 8, line 32, of the Introduced bill, after "the " insert "total "

21 On page 9, line 4, of the Introduced bill, after "a " insert "total "

22 On page 9, line 12, of the Introduced bill, after "of " insert "total "

23 On page 9, line 16, of the Introduced bill, after "of " insert "total "

24 On page 10, after line 11, of the Introduced bill, insert: "

25 **Section 17. That chapter 38-35 be amended with a NEW SECTION:**

26 Industrial hemp used in wildlife food plots not intended to be harvested must be sampled by
27 November 1 of the year planted. No cannabidiol varieties shall be grown for the purpose of wildlife
28 food plots."

29 On page 10, line 13, of the Introduced bill, after "AMENDED:" delete "39-14-39. Terms used
30 in this chapter mean:

31 (1) "Brand name," any word, name, symbol, or device, or any combination thereof, identifying
32 the commercial feed of a distributor or registrant and distinguishing it from that of others;

33 (2) "Commercial feed," any material except unmixed seed, whole or processed, if not
34 adulterated within the meaning of §§ 39-14-46 to 39-14-52, inclusive, and hemp, as defined in
35 § 38-35-1 which is distributed for use as feed or for mixing in feed;

36 (3) "Contract feeder," a person, who as an independent contractor, feeds commercial feed to
37 animals pursuant to a contract whereby the commercial feed is supplied, furnished, or otherwise
38 provided to the person and whereby the person's remuneration is determined all or in part by feed
39 consumption, mortality, profits, or amount or quality of product;

- 1 (4) "Customer formula feed," commercial feed which that consists of a mixture of commercial
2 feeds and feed ingredients, each batch of which is manufactured according to the specific
3 instructions of the final purchaser;
- 4 (5) "Distribute," to offer for sale, sell, exchange, or barter, commercial feed; or to supply,
5 furnish, or otherwise provide commercial feed to a contract feeder;
- 6 (6) "Distributor," any person who distributes;
- 7 (7) "Drug," any article intended for use in the diagnosis, cure, mitigation, treatment, or
8 prevention of disease in animals other than man, and articles other than feed intended to affect the
9 structure or any function of the animal body;
- 10 (8) "Feed ingredient," each of the constituent materials making up a commercial feed;
- 11 (9) "Label," a display of written, printed, or graphic matter upon or affixed to the container in
12 which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial
13 feed is distributed;
- 14 (10) "Labeling," all labels and other written, printed, or graphic matter upon a commercial
15 feed, or any of its containers, or wrappers, or accompanying a commercial feed;
- 16 (11) "Manufacture," to grind, mix, or blend, or further process a commercial feed for
17 distribution;
- 18 (12) "Mineral feed," a commercial feed intended to supply primarily mineral elements or
19 inorganic nutrients;
- 20 (13) "Official sample," a sample of commercial feed taken by the secretary of agriculture and
21 natural resources or his agent in accordance with the provisions of § 39-14-62, 39-14-66, or 39-
22 14-67;
- 23 (14) "Percent" or "percentages," percentages by weights;
- 24 (15) "Pet," any domesticated animal normally maintained in or near the household of the owner
25 of the animal;
- 26 (16) "Pet food," any commercial feed prepared and distributed for consumption by dogs and
27 cats;
- 28 (17) "Product name," the name of the commercial feed which that identifies it as to kind, class,
29 or specific use;
- 30 (18) "Specialty pet," any domesticated animal pet normally maintained in a cage or tank, such
31 as gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and
32 turtles;
- 33 (19) "Specialty pet food," a commercial feed prepared and distributed for consumption by
34 specialty pets; and
- 35 (20) "Ton," a net weight of two thousand pounds avoirdupois."

36 On page 11, line 32, of the Introduced bill, after "SECTION:" delete "Section 17 of this Act is
37 effective on the date that the secretary of the Department of Agriculture and Natural Resources
38 certifies that the United States Food and Drug Administration has approved hemp, or any substance
39 derived from hemp, as an approved additive or defined ingredient in commercial feed for livestock."

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

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
3 had under consideration the nomination of Julie Bartling of Gregory County, Gregory, South Dakota,
4 to the Game, Fish and Parks Commission and returns the same with the recommendation that the
5 Senate advise and consent to the confirmation of said appointment.

6 Also MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
8 had under consideration **HB 1131** and returns the same with the recommendation that said bill do
9 pass, and having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,
11 Joshua Klumb, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Commerce and Energy respectfully reports that it has had under
14 consideration **SB 152** and returns the same with the recommendation that said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate Commerce and Energy respectfully reports that it has had under
17 consideration **SB 156** and returns the same with the recommendation that said bill do pass, and
18 having been certified as uncontested, be placed on the consent calendar.

19 Also MR. PRESIDENT:

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

23 3B

24 On page 3, line 11, of the Introduced bill, after "than" delete " four"

25 On page 3, line 11, of the Introduced bill, after "four " insert "two "

26 On page 3, line 13, of the Introduced bill, after "possess" delete " four"

27 On page 3, line 13, of the Introduced bill, after "four " insert "two "

28 On page 3, line 32, of the Introduced bill, after "than" delete " four"

29 On page 3, line 32, of the Introduced bill, after "four " insert "two "

30 On page 4, line 1, of the Introduced bill, after "ounce " delete "four"

31 On page 4, line 1, of the Introduced bill, after "four " insert "two "

32 On page 4, line 11, of the Introduced bill, delete " four" and insert " two"

33 On page 4, line 14, of the Introduced bill, after "ounce" delete " four"

34 On page 4, line 14, of the Introduced bill, after "four " insert "two "

35 And that as so amended, 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 183** and returns the same with the recommendation that said bill be amended as
4 follows:

5 183A

6 On page 1, line 7, of the Introduced bill, delete "fifteen" and insert " twelve"

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

8 Also MR. PRESIDENT:

9 The Committee on Senate Commerce and Energy respectfully reports that it has had under
10 consideration **SB 204** which was deferred to the 41st Legislative Day.

11 Respectfully submitted,
12 Casey Crabtree, Chair

13 MR. PRESIDENT:

14 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
15 Enrolling has carefully compared **SB 10 and 40** and finds the same correctly enrolled.

16 Respectfully submitted,
17 Lee A. Schoenbeck, Chair

18 MR. PRESIDENT:

19 The Committee on Legislative Procedure respectfully reports that **SB 91 and 138** were
20 delivered to her Excellency, the Governor, for her approval at 11:20 a.m., February 17, 2022.

21 Respectfully submitted,
22 Lee A. Schoenbeck, Chair

23 **MESSAGES FROM THE HOUSE**

24 MR. PRESIDENT:

25 I have the honor to return herewith **SCR 603** in which the House has concurred.

26 Also MR. PRESIDENT:

27 I have the honor to transmit herewith **HB 1014, 1016, 1017, 1153, 1272, and 1282** which
28 have passed the House and your favorable consideration is respectfully requested.

29 Respectfully,
30 Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2 SENATE PAGE RESOLUTION 3 Introduced by: Senators Bolin; Breitling; Cammack;
3 Castleberry; Crabtree; Curd; Diedrich; Duhamel; Duvall; Foster; Frye-Mueller; Greenfield, Brock;
4 Heinert; Hunhoff; Johns; Johnson, David; Klumb; Kolbeck; Maher; Nesiba; Novstrup; Otten,
5 Herman; Rohl; Rusch; Schoenbeck; Schoenfish; Smith, V.J.; Stalzer; Steinhauer; Sutton; Symens;
6 Tobin; Wheeler; Wiik; Zikmund

7 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-seventh
8 Legislature of the State of South Dakota to Keegan Baker, Ainsley Brink, Lucy Farley, Bailey
9 Feistner, Jack Freeburg, Will Hurd, Luta Keegan, Lany LaPlante, Kinzee Peterson, Breanna
10 Roth, Elle Westra, and Taylor Wetz.

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

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

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

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

19 Sen. Castleberry moved that Senate Page Resolution 3 be adopted.

20 The question being on Sen. Castleberry's motion that Senate Page Resolution 3 be adopted.

21 And the roll being called:

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

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

27 Excused: Curd, Frye-Mueller, and Heinert

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

30 Sen. Wheeler requested a fiscal note on **SB 198**.

31 Which request was supported.

32 Sen. Cammack moved that **SB 25, 42, 43, 122, 126, 132, 133, 159, 172, 198, 199, and**
33 **205, and SCR 602, and HB 1286** be deferred to Tuesday, February 22, 2022, the 26th legislative
34 day.

35 Which motion prevailed.

1 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
2 Tuesday, February 22, 2022, the 26th legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

6 Local Government on **SB 90** as found on page 267 of the Senate Journal; also

7 Senate Appropriations on **SB 96** as found on page 266 of the Senate Journal; also

8 Health and Human Services on **SB 163** as found on page 271 of the Senate Journal and
9 **SB 177** as found on page 272 of the Senate Journal; also

10 Judiciary on **SB 195** as found on page 269 of the Senate Journal; and

11 State Affairs on **SB 212** as found on page 269 of the Senate Journal be adopted.

12 Which motion prevailed and the reports were adopted.

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

14 **HB 1153:** FOR AN ACT ENTITLED, An Act to revise the number of class hours required to
15 obtain a responsible broker's license.

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

17 **HB 1014:** FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for
18 elderly persons and persons with a disability and to declare an emergency.

19 **HB 1016:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
20 disasters in the state and to declare an emergency.

21 **HB 1017:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
22 suppression of wildfires in the state and to declare an emergency.

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

24 **HB 1282:** FOR AN ACT ENTITLED, An Act to allow inpatient psychiatric facility placement
25 alternatives for certain patients.

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

27 **HB 1272:** FOR AN ACT ENTITLED, An Act to revise provisions related to counseling for
28 domestic abuse defendants.

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

1

SECOND READING OF CONSENT CALENDAR ITEMS

2

Sen. Cammack requested that **SB 144** be removed from the Consent Calendar.

3

SB 142: FOR AN ACT ENTITLED, An Act to establish provisions for medical services.

4

SB 143: FOR AN ACT ENTITLED, An Act to establish provisions related to education.

5

6

SB 167: FOR AN ACT ENTITLED, An Act to clarify the certification process for teachers and school administrators.

7

8

SB 169: FOR AN ACT ENTITLED, An Act to establish a means for certain Department of Corrections inmates to earn credit against fines or costs ordered by the sentencing court.

9

10

SB 187: FOR AN ACT ENTITLED, An Act to require state agencies to provide certain information for initiated measure or constitutional amendment fiscal notes.

11

12

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

13

14

HB 1275: FOR AN ACT ENTITLED, An Act to clarify signature requirements on petitions regarding the change of form of government in municipalities.

15

Were read the second time.

16

17

The question being "Shall **SB 167, and HB 1275** pass as amended, and **SB 142, 143, 169, and 187, and HB 1097** pass?"

18

And the roll being called:

19

Yeas 32, Nays 0, Excused 3, Absent 0

20

21

22

23

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Brock Greenfield, 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

24

Excused: Curd, Frye-Mueller, and Heinert

25

26

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

27

SIGNING OF BILLS

28

The President publicly read the title to

29

30

SB 10: FOR AN ACT ENTITLED, An Act to revise provisions related to verifications required prior to receiving medical cannabis.

31

32

SB 40: FOR AN ACT ENTITLED, An Act to establish safety standards regarding biogas gathering lines.

33

And signed the same in the presence of the Senate.

