

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

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TWENTY-SIXTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, February 22, 2022

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

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

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 25th 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 Sequoia Altamirano, Grace Barnett, Kathryn Doom, Kieran Duffy, Maxwell Lightfield, Katherine  
3 Mickelson, Logan Mueller, Jillian Navratil, Dorian Sikkink, Michael Wagenaar, and Zachary Winter.

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

5 **COMMUNICATIONS AND PETITIONS**

6 January 21, 2022

7 The Honorable Larry Rhoden  
8 President of the Senate  
9 State Capitol  
10 Pierre, SD 57501

11 Dear President and Members of the Senate:

12 Pursuant to the provisions of Chapter 42-7A-17 of the South Dakota Codified Laws and subject  
13 to your consent, I have the honor to inform you that I have reappointed Jason Ahrendt, of Lincoln  
14 County, Sioux Falls, South Dakota, to the South Dakota Lottery Commission.

15 This reappointment is effective January 7, 2022, and shall continue until January 1, 2025.

16 Sincerely,  
17 Kristi Noem  
18 Governor

19 The President announced the referral of the reappointment to the Committee on Commerce  
20 and Energy.

21 January 20, 2022

22 The Honorable Larry Rhoden  
23 President of the Senate  
24 State Capitol  
25 Pierre, SD 57501

26 Dear President and Members of the Senate:

27 Pursuant to the provisions of Chapter 42-7A-17 of the South Dakota Codified Laws and subject  
28 to your consent, I have the honor to inform you that I have reappointed William Shorma, of Union  
29 County, Dakota Dunes, South Dakota, to the South Dakota Lottery Commission.

30 This reappointment is effective January 7, 2022, and shall continue until January 1, 2025.

31 Sincerely,  
32 Kristi Noem  
33 Governor

34 The President announced the referral of the reappointment to the Committee on Commerce  
35 and Energy.

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**REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Senate Committee on Appropriations respectfully reports that it has had under  
4 consideration **SB 103** and returns the same with the recommendation that said bill do pass.

5 Also MR. PRESIDENT:

6 The Senate Committee on Appropriations respectfully reports that it has had under  
7 consideration **SB 109** and returns the same with the recommendation that said bill be amended as  
8 follows:

9 109A

10 On page 1, line 4, of the Introduced bill, delete "\$2,000,000" and insert " \$1,000,000"

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

12 Also MR. PRESIDENT:

13 The Senate Committee on Appropriations respectfully reports that it has had under  
14 consideration **SB 115** and returns the same with the recommendation that said bill be amended as  
15 follows:

16 115B

17 On page 1, line 4, of the Senate Transportation Engrossed bill, delete " \$5,400,000" and insert  
18 " \$1"

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

20 Also MR. PRESIDENT:

21 The Senate Committee on Appropriations respectfully reports that it has had under  
22 consideration **SB 131** and returns the same with the recommendation that said bill be amended as  
23 follows:

24 131B

25 On page 1, line 1, of the Introduced bill, delete "establish a formula for distributing general  
26 funds to Board of Regents universities" and insert "require the Board of Regents to provide an annual  
27 presentation to the special committee"

28 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That chapter 13-49  
29 be amended with a NEW SECTION:

30 "

31 On page 1, line 5, of the Introduced bill, after "SECTION:" delete "The universities under the  
32 control of the Board of Regents shall receive general funds from the amount appropriated by the  
33 Legislature under a formula established by this section. The total allocation of the formula must be  
34 based on full-time student equivalents and a per student allocation.

1 Twenty-five percent of the total allocation of the formula must be distributed equally among  
2 the six universities as a baseline for common operations at each university. Seventy-five percent of  
3 the total allocation must be distributed based on certain weighted program factors, the number of  
4 full-time student equivalents in a university's programs, and a weighted, per student value.

5 For the purposes of this section, the term, full-time student equivalent, means thirty credit  
6 hours of instruction."

7 On page 1, after line 15, of the Introduced bill, insert: "

8 **Section 1. That chapter 13-49 be amended with a NEW SECTION:**

9 The Board of Regents must provide an annual presentation to the special committee, created  
10 pursuant to § 4-8A-2, no later than November 1 each year, regarding letters or reports requested  
11 by the special committee and recommendations from the task force created by Senate Bill 55  
12 enacted in the 2020 legislative session. The provisions of this section are repealed on July 1, 2027.  
13 "

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

15 Also MR. PRESIDENT:

16 The Senate Committee on Appropriations respectfully reports that it has had under  
17 consideration **SB 174** and returns the same with the recommendation that said bill be amended as  
18 follows:

19 174A

20 On page 1, line 4, of the Introduced bill, delete " \$16,000,000" and insert " \$1"

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

22 Also MR. PRESIDENT:

23 The Senate Committee on Appropriations respectfully reports that it has had under  
24 consideration **SB 196** and returns the same with the recommendation that said bill be amended as  
25 follows:

26 196B

27 On page 1, line 4, of the Introduced bill, delete " \$5,000,000" and insert " \$1"

28 On page 1, line 5, of the Introduced bill, delete "Unified Judicial System" and insert  
29 "Department of Social Services"

30 On page 1, line 9, of the Introduced bill, delete "Unified Judicial System" and insert "Secretary  
31 of Social Services"

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

33 Respectfully submitted,  
34 Jean Hunhoff, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Retirement Laws respectfully reports that it has had under  
3 consideration **SB 141** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,  
5 Jim Bolin, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
8 **SB 164, and HB 1037, 1060, and 1079** and returns the same with the recommendation that said  
9 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

10 Also MR. PRESIDENT:

11 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
12 **SB 208** which was tabled.

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
15 **HB 1026** which was deferred to the 41st Legislative Day.

16 Respectfully submitted,  
17 Arthur Rusch, Chair

18 MR. PRESIDENT:

19 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
20 consideration **SB 140** which was deferred to the 41st Legislative Day.

21 Also MR. PRESIDENT:

22 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
23 consideration **SB 161** and returns the same with the recommendation that said bill be amended as  
24 follows:

25 161C

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

27 "

28 **Section 1.** There is hereby appropriated from the general fund the sum of \$300,000 to the  
29 Board of Regents, for the purpose of awarding, to an accredited tribal university in this state, a  
30 grant that is to be used as matching funds under the National Aeronautics and Space Administration-  
31 Marshall Space Flight Center's cooperative agreement entitled Enhancing Research in Additive  
32 Manufacturing Processes for Lunar Application and Planetary Use in Tribal Housing Development.

33 **Section 2.** The executive director of the Board of Regents shall approve vouchers and the  
34 state auditor shall draw warrants to pay expenditures authorized by this Act.

35 **Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June  
36 1330, 2027, shall revert in accordance with the procedures prescribed in chapter 4-8.14.

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

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

5 Also MR. PRESIDENT:

6 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
7 consideration **SB 180, and HB 1118 and 1128** and returns the same with the recommendation  
8 that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

9 Respectfully submitted,  
10 Casey Crabtree, Chair

11 MR. PRESIDENT:

12 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
13 Enrolling has carefully compared **SB 160 and 171** and finds the same correctly enrolled.

14 Respectfully submitted,  
15 Lee A. Schoenbeck, Chair

16 MR. PRESIDENT:

17 The Committee on Legislative Procedure respectfully reports that **SB 10 and 40** were delivered  
18 to her Excellency, the Governor, for her approval at 10:40 a.m., February 22, 2022.

19 Respectfully submitted,  
20 Lee A. Schoenbeck, Chair

#### 21 **MESSAGES FROM THE HOUSE**

22 MR. PRESIDENT:

23 I have the honor to transmit herewith **HB 1013, 1018, 1019, 1020, 1030, 1034, 1113,**  
24 **1116, 1124, 1125, 1126, 1127, 1155, 1255, 1283, 1285, 1287, 1292, 1308, 1325, and**  
25 **1329** which have passed the House and your favorable consideration is respectfully requested.

26 Also MR. PRESIDENT:

27 I have the honor to return herewith **SB 160 and 171** which have passed the House without  
28 change.

29 Respectfully,  
30 Patricia Miller, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

2

**SCR 602:** A CONCURRENT RESOLUTION, to encourage the executive branch of this state to examine mitigation efforts to curtail the spread of aquatic invasive species.

3

4

Was read the second time.

5

Sen. Rohl moved that **SCR 602** as found on page 252 of the Senate Journal be amended as follows and as amended be adopted.

6

7

Sen. Rohl moved that **SCR 602** be amended as follows:

8

SCR602F

9

On page 1, line 1, of the Introduced bill, delete "provide for an interim study " and insert "encourage the executive branch of this state "

10

11

On page 1, line 16, of the Introduced bill, delete " that the Executive Board of the Legislative Research Council establish a task force to examine the mitigation efforts to curtail the spread of all invasive species in this state" and insert " to strongly encourage that the executive branch of state government use all resources necessary to fight the spread of zebra mussels and other invasive species into our waters"

12

13

14

15

16

On page 1, line 19, of the Introduced bill, delete " Department of Game, Fish and Parks and stakeholders work in conjunction to identify objectives; and" and insert " executive branch of state government provide a detailed description of upgrade efforts to the Legislature by August 1, 2022."

17

18

19

On page 1, line 21, of the Introduced bill, after "and" delete " BE IT FURTHER RESOLVED, to provide sufficient time for the development of the legislation necessary to implement recommendations, the task force prepare and present a final report regarding the work directed by this resolution, to the Executive Board of the Legislative Research Council, on or before December 1, 2022."

20

21

22

23

24

Which motion prevailed.

25

The question being on Sen. Rohl's motion that **SCR 602** be adopted as amended.

26

And the roll being called:

27

Yeas 35, Nays 0, Excused 0, Absent 0

28

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

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32

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **SCR 602** was adopted as amended.

33

34

Sen. Schoenbeck requested a fiscal note on **SB 212**.

35

Which request was supported.

1 Sen. Cammack moved that **SB 25, 163, 198, and 212** be deferred to Wednesday, February  
2 23, 2022, the 27<sup>th</sup> legislative day.

3 Which motion prevailed.

4 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
5 Wednesday, February 23, 2022, the 27<sup>th</sup> legislative day.

6 Which motion prevailed.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

9 Senate Appropriations on **SB 53, 58, 62, and 155** as found on page 282 of the Senate Journal  
10 and **SB 189** as found on page 296 of the Senate Journal; also

11 Judiciary on **SB 120 and 150** as found on page 283 of the Senate Journal and **SB 151** as  
12 found on page 287 of the Senate Journal; also

13 Commerce and Energy on **SB 3** as found on page 291 of the Senate Journal and **SB 183** as  
14 found on page 292 of the Senate Journal; and

15 Agriculture and Natural Resources on **SB 201** as found on page 288 of the Senate Journal be  
16 adopted.

17 Which motion prevailed and the reports were adopted.

18 Sen. Heinert moved that **SB 177** be placed on today's calendar and be immediately considered  
19 pursuant to JR 6F-6.

20 The question being on Sen. Heinert's motion that **SB 177** be placed on today's calendar and  
21 be immediately considered pursuant to JR 6F-6.

22 And the roll being called:

23 Yeas 14, Nays 20, Excused 1, Absent 0

24 Yeas: Cammack, Crabtree, Curd, Foster, Heinert, Maher, Nesiba, Herman Otten, Rohl, Rusch,  
25 Schoenfish, V. J. Smith, Tobin, and Wheeler

26 Nays: Bolin, Breitling, Castleberry, Diedrich, Duhamel, Duvall, Frye-Mueller, Brock Greenfield,  
27 Johns, David Johnson, Klumb, Kolbeck, Novstrup, Schoenbeck, Stalzer, Steinhauer, Sutton,  
28 Symens, Wiik, and Zikmund

29 Excused: Hunhoff

30 So the motion not having received an affirmative vote of a majority of the members-elect, the  
31 President declared the motion lost.



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**CONSIDERATION OF EXECUTIVE APPOINTMENTS**

2

The Senate proceeded to the consideration of the executive appointment of Julie Bartling of Gregory County, Gregory, South Dakota, to the Game, Fish and Parks Commission.

3

4

The question being "Does the Senate advise and consent to the executive appointment of Julie Bartling pursuant to the executive message as found on page 73 of the Senate Journal?"

5

6

And the roll being called:

7

Yeas 35, Nays 0, Excused 0, Absent 0

8

9

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11

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

12

13

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

14

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

15

16

**HB 1325:** FOR AN ACT ENTITLED, An Act to revise the classification of agricultural land according to soil type.

17

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

18

19

**HB 1013:** FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to Capitol Lake and to declare an emergency.

20

21

**HB 1018:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a storage garage in Rapid City and to declare an emergency.

22

23

**HB 1019:** FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of extraordinary litigation expenses and to declare an emergency.

24

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**HB 1020:** FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration to construct an addition to the Kinsman Building in Pierre, to make an appropriation therefor, and to declare an emergency.

27

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**HB 1030:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health care professionals who have complied with the requirements for certain health care recruitment assistance programs and to declare an emergency.

30

31

32

**HB 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.

33

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

34

35

**HB 1308:** FOR AN ACT ENTITLED, An Act to provide for the payment of signing bonuses to school district staff members.

36

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

1 **HB 1113:** FOR AN ACT ENTITLED, An Act to prohibit threats made with the intent to coerce  
2 an abortion and to provide a penalty therefor.

3 **HB 1283:** FOR AN ACT ENTITLED, An Act to require the posting of laws regarding hospital,  
4 nursing facility, and assisted living center visitation.

5 **HB 1285:** FOR AN ACT ENTITLED, An Act to create a critical care endorsement for emergency  
6 medical technician-paramedics.

7 **HB 1292:** FOR AN ACT ENTITLED, An Act to regulate delta-8 tetrahydrocannabinol, THC-O  
8 acetate, and hexahydrocannabinol for those under the age of twenty-one.

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

10 **HB 1287:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime of  
11 rape and provide a penalty therefor.

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

13 **HB 1155:** FOR AN ACT ENTITLED, An Act to revise the compensation for a township board  
14 member overseer.

15 **HB 1255:** FOR AN ACT ENTITLED, An Act to clarify certain public meeting requirements.

16 Were read the first time and referred to the Committee on Local Government.

17 **HB 1116:** FOR AN ACT ENTITLED, An Act to modify the date for the state's presidential primary  
18 elections.

19 **HB 1124:** FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

20 **HB 1125:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in  
21 South Dakota.

22 **HB 1126:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection  
23 of public safety.

24 **HB 1127:** FOR AN ACT ENTITLED, An Act to enhance South Dakota.

25 **HB 1329:** FOR AN ACT ENTITLED, An Act to require a forensic audit of election results after  
26 each presidential general election.

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

## 28 **SECOND READING OF CONSENT CALENDAR ITEMS**

29 Sen. Bolin requested that **SB 156** be removed from the Consent Calendar.

30 Sen. Nesiba requested that **HB 1131** be removed from the Consent Calendar.

1 **SB 90:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding local building  
2 codes.

3 **SB 119:** FOR AN ACT ENTITLED, An Act to prohibit sexual contact between prison employees  
4 and prisoners.

5 Were read the second time.

6 The question being "Shall **SB 90** pass as amended, and **SB 119** pass?"

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

16 **SB 116:** FOR AN ACT ENTITLED, An Act to repeal a physician's ability to prescribe the number  
17 of cannabis plants a cardholder may cultivate.

18 Was read the second time.

19 Sen. Breitling moved that **SB 116** be laid on the table.

20 The question being on Sen. Breitling's motion that **SB 116** be laid on the table.

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 motion having received an affirmative vote of a majority of the members-elect, the  
28 President declared the motion carried and **SB 116** was tabled.

29 **SB 42:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the  
30 design and construction of an addition to the wellness center at the University of South Dakota, to  
31 make an appropriation therefor, and to declare an emergency.

32 Was read the second time.

1 The question being "Shall **SB 42** pass?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

10 **SB 43:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the  
11 design, renovation, and construction of an addition for a health sciences center at Black Hills State  
12 University–Rapid City, to make an appropriation therefor, and to declare an emergency.

13 Was read the second time.

14 The question being "Shall **SB 43** pass?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

23 **SB 122:** FOR AN ACT ENTITLED, An Act to prohibit private funding of election costs except for  
24 gifts of a nominal and intrinsic value.

25 Was read the second time.

26 The question being "Shall **SB 122** pass?"

27 And the roll being called:

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

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

33 Nays: Foster, Heinert, and Nesiba

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

1 **SB 126:** FOR AN ACT ENTITLED, An Act to require closure of litigation over the recreational  
2 use of nonmeandered waters.

3 Was read the second time.

4 The question being "Shall **SB 126** pass?"

5 And the roll being called:

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

7 Yeas: Johns and Herman Otten

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

12 So the bill not having received an affirmative vote of a majority of the members-elect, the  
13 President declared the bill lost.

14 **SB 132:** FOR AN ACT ENTITLED, An Act to make an appropriation for multi-media lab  
15 equipment at Black Hills State University and to declare an emergency.

16 Was read the second time.

17 The question being "Shall **SB 132** pass?"

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

26 **SB 133:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to  
27 upgrade an education lab and purchase resources at Black Hills State University and to declare an  
28 emergency.

29 Was read the second time.

30 The question being "Shall **SB 133** pass?"

31 And the roll being called:

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

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

5 Nays: Frye-Mueller

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

8 **SB 159:** FOR AN ACT ENTITLED, An Act to exempt any person suffering from a severe mental  
9 illness from capital punishment.

10 Was read the second time.

11 Sen. Johns moved that **SB 159** be amended as follows:

12 159B

13 On page 1, line 22, of the Senate Judiciary Engrossed bill, after "features." insert " The term  
14 does not include drug-induced psychosis."

15 Which motion prevailed.

16 The question being "Shall **SB 159** pass as amended?"

17 And the roll being called:

18 Yeas 21, Nays 14, Excused 0, Absent 0

19 Yeas: Breitling, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, David  
20 Johnson, Kolbeck, Nesiba, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith,  
21 Steinhauer, Tobin, and Wheeler

22 Nays: Bolin, Cammack, Castleberry, Crabtree, Frye-Mueller, Brock Greenfield, Klumb, Maher,  
23 Novstrup, Stalzer, Sutton, Symens, Wiik, and Zikmund

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

26 **SB 172:** FOR AN ACT ENTITLED, An Act to revise provisions regarding eligibility for parole for  
27 certain persons sentenced to life imprisonment.

28 Was read the second time.

29 The question being "Shall **SB 172** pass as amended?"

30 And the roll being called:

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

1 Yeas: Bolin, Breitling, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, David Johnson,  
2 Kolbeck, Nesiba, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, and Wheeler

3 Nays: Cammack, Castleberry, Crabtree, Curd, Diedrich, Frye-Mueller, Brock Greenfield, Klumb,  
4 Maher, Novstrup, Herman Otten, Schoenbeck, Stalzer, Sutton, Tobin, Wiik, and Zikmund

5 Excused: Symens

6 So the bill not having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill lost.

8 Sen. Rusch announced his intention to reconsider the vote by which **SB 172** lost.

9 **SB 199**: FOR AN ACT ENTITLED, An Act to revise provisions related to a name change for  
10 certain crime victims.

11 Was read the second time.

12 The question being "Shall **SB 199** pass as amended?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

21 **SB 205**: FOR AN ACT ENTITLED, An Act to index a certain level of municipal proceeds regarding  
22 the disbursements from the Gaming Commission fund to an inflation index.

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

24 The question now being on Sen. Johns' pending motion to amend **SB 205** as found on page  
25 262 of the Senate Journal.

26 Which motion prevailed.

27 The question being "Shall **SB 205** pass as amended?"

28 And the roll being called:

29 Yeas 16, Nays 19, Excused 0, Absent 0

1 Yeas: Cammack, Castleberry, Diedrich, Duhamel, Foster, Frye-Mueller, Heinert, Johns, David  
2 Johnson, Maher, Herman Otten, Rohl, Schoenfish, V. J. Smith, Symens, and Wheeler

3 Nays: Bolin, Breitling, Crabtree, Curd, Duvall, Brock Greenfield, Hunhoff, Klumb, Kolbeck,  
4 Nesiba, Novstrup, Rusch, Schoenbeck, Stalzer, Steinhauer, Sutton, Tobin, Wiik, and Zikmund

5 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
6 elect, the President declared the bill lost.

7 **SB 50:** FOR AN ACT ENTITLED, An Act to make an appropriation for water, wastewater and  
8 storm water projects throughout state government, and to declare an emergency.

9 Was read the second time.

10 The question being "Shall **SB 50** pass?"

11 And the roll being called:

12 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

19 **SB 54:** FOR AN ACT ENTITLED, An Act to appropriate funds for the Dakota State University  
20 Cyber Program Expansion and to declare an emergency.

21 Was read the second time.

22 Sen. Maher moved that **SB 54** be amended as follows:

23 54A

24 On page 1, line 5, of the Introduced bill, delete "Governor's Office of Economic Development"  
25 and insert "Board of Regents"

26 On page 1, line 7, of the Introduced bill, delete "commissioner of the Governor's Office of  
27 Economic Development" and insert "executive director of the Board of Regents"

28 Which motion prevailed.

29 The question being "Shall **SB 54** pass as amended?"

30 And the roll being called:

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



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

5 Nays: Frye-Mueller

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

8 **SB 55:** FOR AN ACT ENTITLED, An Act to appropriate funds for the expansion of broadband  
9 infrastructure and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **SB 55** pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

20 **SB 61:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
21 Education to support the purchase of simulation equipment for a health sciences clinical simulation  
22 center on the campus of Southeast Technical College and to declare an emergency.

23 Was read the second time.

24 The question being "Shall **SB 61** 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 two-thirds majority of the members-elect,  
32 the President declared the bill passed and the title was agreed to.

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

35 Was read the second time.

1 The question being "Shall **SB 96** pass as amended?"

2 And the roll being called:

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

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

8 Nays: Breitling, Frye-Mueller, and Kolbeck

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

11 **SB 130:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire property,  
12 contract for the design and construction of the Dakota State University Applied Research Lab, to  
13 make an appropriation therefor, and to declare an emergency.

14 Was read the second time.

15 The question being "Shall **SB 130** pass?"

16 And the roll being called:

17 Yeas 34, Nays 1, Excused 0, 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 Nays: Frye-Mueller

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

25 **SB 134:** FOR AN ACT ENTITLED, An Act to revise provisions related to physician assistants.

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

27 The question now being on Sen. Tobin's pending motion to amend **SB 134** as found on page  
28 278 of the Senate Journal.

29 Sen. Tobin made a substitute motion that **SB 134** be amended as follows:

30 134B

31 On page 1, line 13, of the Introduced bill, remove the overstrikes from " practice"

32 On page 1, line 13, of the Introduced bill, after "practice" delete " collaborative"

33 On page 1, line 15, of the Introduced bill, delete " has" and insert " does"

- 1 On page 1, line 15, of the Introduced bill, delete " met the required one thousand forty" and  
2 insert " have six thousand two hundred forty"
- 3 On page 1, line 15, of the Introduced bill, after "hours" delete " in § 36-4A-8"
- 4 On page 1, line 16, of the Introduced bill, delete ", or a physician assistant who has at least  
5 four thousand practice hours" and insert " who practices in the same specialty as the physician  
6 assistant"
- 7 On page 1, line 17, of the Introduced bill, remove the overstrikes from " practice"
- 8 On page 1, line 17, of the Introduced bill, after "practice" delete " collaborative"
- 9 On page 1, line 17, of the Introduced bill, delete "shall" and insert " must"
- 10 On page 1, line 17, of the Introduced bill, remove the overstrikes from "shall prescribe the  
11 delegated activities which"
- 12 On page 1, line 18, of the Introduced bill, delete " which" and insert " that"
- 13 On page 1, line 18, of the Introduced bill, remove the overstrikes from " the physician assistant  
14 may perform, consistent with § 36-4A-26. 1 and contain such other information as required by the  
15 board to describe the physician assistant's level of competence and the supervision provided by the  
16 physician"
- 17 On page 1, line 20, of the Introduced bill, after "physician" delete " must set forth the terms  
18 and conditions of the collaboration in addition to other information required by the board"
- 19 On page 1, line 22, of the Introduced bill, remove the overstrikes from " practice"
- 20 On page 1, line 22, of the Introduced bill, after "practice" delete " collaborative"
- 21 On page 2, line 2, of the Introduced bill, after "request." insert "
- 22 Upon completion of six thousand two hundred forty practice hours, a physician assistant may  
23 practice without a practice agreement pursuant to standards developed by the board."
- 24 On page 2, line 5, of the Introduced bill, remove the overstrikes from " practice"
- 25 On page 2, line 6, of the Introduced bill, after "practice" delete " collaborative"
- 26 On page 2, line 25, of the Introduced bill, delete " a" and insert " the"
- 27 On page 2, line 25, of the Introduced bill, delete " of one thousand forty" and insert " number  
28 of"
- 29 On page 2, line 25, of the Introduced bill, after "hours " insert "as required by § 36-4A-1. 1 "
- 30 On page 2, line 25, of the Introduced bill, delete " collaborative" and insert " practice"
- 31 On page 2, line 26, of the Introduced bill, after "place" insert " as required by § 36-4A-1. 1"
- 32 On page 3, line 8, of the Introduced bill, delete " collaborative" and insert " practice"
- 33 On page 4, line 10, of the Introduced bill, delete " and" and insert a comma
- 34 On page 4, line 10, of the Introduced bill, after "referral" insert ", and continuing care"

- 1 On page 4, line 29, of the Introduced bill, after "appropriate." insert " A physician assistant  
2 may not engage in independent surgical services, with the exception of routine clinical office surgical  
3 procedures including skin biopsy, mole or wart removal, toenail removal, removal of a foreign body,  
4 arthrocentesis, or incision and drainage of abscesses. "
- 5 On page 5, line 25, of the Introduced bill, delete "collaborative" and insert " practice"
- 6 On page 5, line 25, of the Introduced bill, after "physician" delete " or physician assistant"
- 7 On page 5, line 26, of the Introduced bill, delete ", or as a physician assistant with more than  
8 four thousand practice hours in the related field under this chapter" and insert " and practice in the  
9 same specialty as the physician assistant"
- 10 On page 5, line 31, of the Introduced bill, remove the overstrikes from " practice"
- 11 On page 5, line 31, of the Introduced bill, after "practice" delete " collaborative"
- 12 On page 6, line 15, of the Introduced bill, delete " collaborative" and insert " practice"
- 13 On page 7, line 5, of the Introduced bill, after "assistant" insert ", with more than six thousand  
14 two hundred forty practice hours,"
- 15 On page 7, line 6, of the Introduced bill, delete " one thousand forty" and insert " six thousand  
16 two hundred forty"
- 17 On page 7, line 6, of the Introduced bill, after "hours" insert the comma
- 18 On page 7, line 6, of the Introduced bill, delete " collaborative" and insert " practice"
- 19 On page 7, line 7, of the Introduced bill, delete " one thousand forty" and insert " six thousand  
20 two hundred forty"
- 21 On page 7, line 8, of the Introduced bill, delete ", or with a physician assistant with four  
22 thousand or more practice hours in the specialty" and insert " who practices in the same specialty  
23 as the physician assistant"
- 24 On page 7, line 13, of the Introduced bill, after "chapter" insert " or approved by the board"
- 25 On page 7, line 13, of the Introduced bill, after "chapter." insert " The physician assistant shall  
26 comply with all privileging and credentialing systems at the facility at which the physician assistant  
27 practices. "
- 28 Which motion prevailed.
- 29 The question being "Shall **SB 134** pass as amended?"
- 30 And the roll being called:
- 31 Yeas 16, Nays 19, Excused 0, Absent 0
- 32 Yeas: Castleberry, Crabtree, Foster, Frye-Mueller, Brock Greenfield, Heinert, Klumb, Maher,  
33 Novstrup, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, and Tobin
- 34 Nays: Bolin, Breitling, Cammack, Curd, Diedrich, Duhamel, Duvall, Hunhoff, Johns, David  
35 Johnson, Kolbeck, Nesiba, Herman Otten, Schoenbeck, Stalzer, Sutton, Wheeler, Wiik, and Zikmund
- 36 So the bill not having received an affirmative vote of a majority of the members-elect, the  
37 President declared the bill lost.

1 **SB 144:** FOR AN ACT ENTITLED, An Act to establish provisions related to public safety.

2 Was read the second time.

3 Sen. Hunhoff moved that **SB 144** be amended as follows:

4 144A

5 On page 1, line 1, of the Introduced bill, delete "establish provisions related to public safety"  
6 and insert "create the prison construction fund for the capital construction or improvement of state  
7 prisons"

8 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act establishes  
9 provisions related to public safety."

10 On page 1, after line 3, of the Introduced bill, insert: "

11 **Section 1. That chapter 1-15 be amended with a NEW SECTION:**

12 There is hereby established in the state treasury the prison construction fund. Expenditures  
13 out of the fund must only be by special appropriation of the Legislature and must be used for the  
14 capital construction or improvement of state prisons located in South Dakota. Interest earned on  
15 money in the fund must be deposited into the general fund. "

16 Which motion prevailed.

17 The question being "Shall **SB 144** pass as amended?"

18 And the roll being called:

19 Yeas 26, Nays 9, Excused 0, Absent 0

20 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
21 Brock Greenfield, Hunhoff, David Johnson, Klumb, Kolbeck, Novstrup, Rohl, Rusch, Schoenbeck, V.  
22 J. Smith, Stalzer, Steinhauer, Sutton, Tobin, Wheeler, Wiik, and Zikmund

23 Nays: Foster, Frye-Mueller, Heinert, Johns, Maher, Nesiba, Herman Otten, Schoenfish, and  
24 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 152:** FOR AN ACT ENTITLED, An Act to provide for ticket-in, ticket-out video lottery.

28 Was read the second time.

29 The question being "Shall **SB 152** pass?"

30 And the roll being called:

31 Yeas 31, Nays 3, Excused 1, Absent 0

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

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1 Nays: Novstrup, Sutton, and Symens

2 Excused: Foster

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

5 **SB 170:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to forest  
6 resiliency and growth in the state and to declare an emergency.

7 Was read the second time.

8 The question being "Shall **SB 170** pass?"

9 And the roll being called:

10 Yeas 35, Nays 0, Excused 0, Absent 0

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

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 **SB 175:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,  
18 Fish and Parks for building a shooting range in western South Dakota and to declare an emergency.

19 Was read the second time.

20 The question being "Shall **SB 175** pass?"

21 And the roll being called:

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

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

27 Nays: Curd, Foster, Frye-Mueller, Heinert, Maher, Nesiba, and Rusch

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

30 **SB 195:** FOR AN ACT ENTITLED, An Act to establish the burden of proof after a claim of  
31 immunity.

32 Was read the second time.

1 Sen. Duhamel moved that **SB 195** be amended as follows:

2 195C

3 On page 1, line 19, of the Senate Judiciary Engrossed bill, after "a" delete " prima facie"

4 On page 1, line 19, of the Senate Judiciary Engrossed bill, after "immunity " insert "based upon  
5 a reasonable person standard "

6 On page 1, line 20, of the Senate Judiciary Engrossed bill, delete " clear and convincing  
7 evidence" and insert " a preponderance of evidence"

8 On page 1, line 23, of the Senate Judiciary Engrossed bill, after "section." delete "As used in  
9 this section, the term, criminal prosecution, includes arresting, detaining in custody, and charging  
10 or prosecuting the defendant."

11 Sen. Wiik requested a roll call vote.

12 Which request was supported.

13 The question being on Sen. Duhamel's motion that **SB 195** be amended.

14 And the roll being called:

15 Yeas 12, Nays 23, Excused 0, Absent 0

16 Yeas: Breitling, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, Nesiba, Rusch,  
17 Schoenbeck, and V. J. Smith

18 Nays: Bolin, Cammack, Castleberry, Crabtree, Curd, Frye-Mueller, Brock Greenfield, David  
19 Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Schoenfish, Stalzer, Steinhauer,  
20 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

21 So the motion not having received an affirmative vote of a majority of the members-elect, the  
22 President declared the motion lost.

23 The question being "Shall **SB 195** pass as amended?"

24 And the roll being called:

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

26 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duvall, Frye-Mueller,  
27 Brock Greenfield, Hunhoff, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl,  
28 Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

29 Nays: Duhamel, Foster, Heinert, Johns, Nesiba, Rusch, and V. J. Smith

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

1

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

2

Sen. Cammack moved that **HB 1286** be deferred to Thursday, February 24, 2022, the 28<sup>th</sup> legislative day.

3

4

Which motion prevailed.

5

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

6

7

**REPORTS OF STANDING COMMITTEES**

8

MR. PRESIDENT:

9

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 32** and returns the same with the recommendation that said bill be amended as follows:

10

11

12

32A

13

On page 1, line 16, of the Introduced bill, delete "\$28,012,008" and insert " \$38,308,804"

14

32B

15

On the previously adopted amendment (32A), On page 2, line 3, delete "\$28,012,008" and insert "\$38,308,804"

16

17

And that as so amended, said bill do pass.

18

Also MR. PRESIDENT:

19

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 33, 44, 84, 97, and 200** and returns the same with the recommendation that said bills do pass.

20

21

22

Also MR. PRESIDENT:

23

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 110 and 114** which were deferred to the 41st Legislative Day.

24

25

Respectfully submitted,

26

Jean Hunhoff, Chair

27

**COMMEMORATIONS**

28

**SC 807:** A LEGISLATIVE COMMEMORATION, Commending the Sioux Falls Little League baseball team for its historic season and participation in the Little League World Series.

29

30

Introduced by: **Senators** Zikmund, Brock Greenfield, Kolbeck, Nesiba, Novstrup, Schoenbeck, V. J. Smith, Stalzer, Steinhauer, Symens, and Wiik and **Representatives** Bartels, Barthel, Duba, Goodwin, Healy, Olson, Perry, Rehfeldt, and Thomason

31

32





