

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

THIRTY-THIRD DAY

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

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

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate page Zach Winter.

Roll Call: All members present except Sen. Frye-Mueller who was 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 32nd 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 Committee on Senate Health and Human Services respectfully reports that it has had
4 under consideration **HB 1129, 1134, and 1228** and returns the same with the recommendation
5 that said bills do pass.

6 Also MR. PRESIDENT:

7 The Committee on Senate Health and Human Services respectfully reports that it has had
8 under consideration **HB 1136** and returns the same with the recommendation that said bill be
9 amended as follows:

10

1136D

11 On page 1, line 11, of the House Engrossed bill, after "type," delete " and"

12 On page 1, line 11, of the House Engrossed bill, after "violations" insert ", and any
13 recommendations"

14 On page 1, line 24, of the House Engrossed bill, after "report" insert " publicly available
15 information"

16 On page 2, line 3, of the House Engrossed bill, after "juveniles" delete " arrested for"

17 On page 2, line 4, of the House Engrossed bill, after "for " insert "with "

18 And that as so amended, returns said bill without recommendation.

19 Also MR. PRESIDENT:

20 The Committee on Senate Health and Human Services respectfully reports that it has had
21 under consideration **HB 1211 and 1258** which were deferred to the 41st Legislative Day.

22 Also MR. PRESIDENT:

23 The Committee on Senate Health and Human Services respectfully reports that it has had
24 under consideration **HB 1293 and 1302** and returns the same with the recommendation that said
25 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

26

27

Respectfully submitted,
Wayne H. Steinhauer, Chair

28 MR. PRESIDENT:

29 The Senate Committee on Appropriations respectfully submits the following corrected report
30 for the committee action of March 2, 2022:

31 MR. PRESIDENT:

32 The Senate Committee on Appropriations respectfully reports that it has had under
33 consideration **HB 1210 and 1281** and returns the same with the recommendation that said bills
34 do pass.

1 Also MR. PRESIDENT:

2 The Senate Committee on Appropriations respectfully reports that it has had under
3 consideration **HB 1215 and 1227** which were tabled.

4 Also MR. PRESIDENT:

5 The Senate Committee on Appropriations respectfully reports that it has had under
6 consideration **HB 1166** and returns the same with the recommendation that said bill be amended
7 as follows:

8 1166E

9 On page 1, line 4, of the House Transportation Engrossed bill, delete " \$1 to the Department
10 of Transportation" and insert " \$665,440 and the sum of \$200,000 in other fund expenditure
11 authority to the Department of Game, Fish, and Parks"

12 On page 1, line 5, of the House Transportation Engrossed bill, delete " making" and insert

13 On page 1, line 5, of the House Transportation Engrossed bill, after "making" delete "
14 improvements to"

15 On page 1, line 5, of the House Transportation Engrossed bill, after "to " insert "providing a
16 grant to improve "

17 On page 1, after line 7, of the House Transportation Engrossed bill, insert: "

18 **Section 2.** For the grant provided in section 1 of this Act, the department shall require from
19 the grantee a matching amount of up to \$100,000 and a statement from the grantee to provide all
20 future maintenance and repair for the project."

21 On page 1, line 8, of the House Transportation Engrossed bill, delete "Transportation " and
22 insert "Game, Fish, and Parks "

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

24 Also MR. PRESIDENT:

25 The Senate Committee on Appropriations respectfully reports that it has had under
26 consideration **HB 1209** and returns the same with the recommendation that said bill be amended
27 as follows:

28 1209B

29 On page 1, line 5, of the Introduced bill, delete " \$3,000,000" and insert " \$2,000,000"

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

31 Also MR. PRESIDENT:

32 The Senate Committee on Appropriations respectfully reports that it has had under
33 consideration **HB 1306** and returns the same with the recommendation that said bill be amended
34 as follows:

35 1306C

36 On page 1, line 4, of the House Appropriations Engrossed bill, delete " \$50,700,000," and insert
37 " \$25,000,000,"

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

2
3 Respectfully submitted,
Jean Hunhoff, Chair

4 MR. PRESIDENT:

5 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
6 nomination of Kurt D. Hall to the South Dakota Board of Pardons and Parole and returns the same
7 with the recommendation that the Senate advise and consent to the confirmation of said
8 appointment.

9 Also MR. PRESIDENT:

10 The Committee on Senate Judiciary respectfully reports that it has had under consideration
11 **HB 1232 and 1233** which were deferred to the 41st Legislative Day.

12 Also MR. PRESIDENT:

13 The Committee on Senate Judiciary respectfully reports that it has had under consideration
14 **HB 1278** and returns the same with the recommendation that said bill do pass, and having been
15 certified as uncontested, be placed on the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on Senate Judiciary respectfully reports that it has had under consideration
18 **HB 1279** and returns the same with the recommendation that said bill be amended as follows:

19 1279A

20 On page 2, line 27, of the Introduced bill, delete " ten" and insert " six"

21 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
22 on the consent calendar.

23 Also MR. PRESIDENT:

24 The Committee on Senate Judiciary respectfully reports that it has had under consideration
25 **HB 1328** and returns the same with the recommendation that said bill be amended as follows:

26 1328B

27 On page 1, line 7, of the House Judiciary Engrossed bill, after "general." delete " A law
28 enforcement agency shall make a null report if it did not engage in seizures or forfeitures under this
29 chapter during the fiscal year."

30 On page 1, line 21, of the House Judiciary Engrossed bill, after "interstate" delete " or state
31 highway"

32 On page 3, line 2, of the House Judiciary Engrossed bill, after "1-27." delete "Section 4. That
33 chapter 23A-49 be amended with a NEW SECTION:

34 "

35 On page 3, line 3, of the House Judiciary Engrossed bill, after "SECTION:" delete "If a law
36 enforcement agency fails to file information within thirty days after the due date specified by the
37 attorney general and there is no good cause as determined by the attorney general, the attorney
38 general shall impose on the agency a civil fine payable to the general fund of five hundred dollars

1 or the equivalent of one-quarter of the forfeiture proceeds received by the agency, whichever is
2 greater."

3 On page 3, line 8, of the House Judiciary Engrossed bill, after "greater." delete "Section 5. That
4 chapter 23A-49 be amended with a NEW SECTION:

5 "

6 On page 3, line 9, of the House Judiciary Engrossed bill, after "SECTION:" delete "At the request
7 of an elected official of the jurisdiction whose law enforcement agency seized or obtained forfeiture
8 of the property, the state auditor shall perform an audit under generally accepted government
9 auditing standards of records submitted to the attorney general related to inventory of seized
10 property. A copy of the final audit report must be submitted to the attorney general no later than
11 ninety days after the end of the fiscal year and made public."

12 On page 3, line 16, of the House Judiciary Engrossed bill, after "may" delete " recoup its costs
13 under this Act by charging a fee to the law enforcement agency filing a report. The fee must be
14 deposited in the general fund.

15 The law enforcement agency may"

16 On page 3, line 19, of the House Judiciary Engrossed bill, after "Act" delete ", and to pay any
17 fees imposed by the attorney general under this Act"

18 On page 3, line 24, of the House Judiciary Engrossed bill, after "establishing:

19 (1)" delete "The fee for law enforcement agencies filing a report with the attorney general, not
20 to exceed thirty dollars;

21 (2) "

22 On page 3, line 27, of the House Judiciary Engrossed bill, delete "(3)" and insert "(2)"

23 On page 3, line 28, of the House Judiciary Engrossed bill, delete "(4)" and insert "(3)"

24 On page 4, line 1, of the House Judiciary Engrossed bill, delete "(5)" and insert "(4)"

25 1328C

26 On the previously adopted amendment (1328B), On page 2, line 25, after "website" delete "
27 and submit"

28 On the previously adopted amendment (1328B), On page 2, line 25, after "report" delete " to
29 the speaker of the House of Representatives, president pro tempore of the Senate, and Governor,"

30 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
31 on the consent calendar.

32 Also MR. PRESIDENT:

33 The Committee on Senate Judiciary respectfully reports that it has had under consideration
34 **HB 1287** which was tabled.

35
36

Respectfully submitted,
Arthur Rusch, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration **HB 1033 and 1322** and returns the same with the recommendation that said bills
4 do pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Commerce and Energy respectfully reports that it has had under
7 consideration **HB 1117, 1229, and 1289, and HCR 6002** and returns the same with the
8 recommendation that said bills and resolution do pass, and having been certified as uncontested,
9 be placed on the consent calendar.

10 Respectfully submitted,
11 Casey Crabtree, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Education respectfully reports that it has had under consideration
14 **HB 1337** which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 R. Blake Curd, Chair

17 MR. PRESIDENT:

18 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
19 Enrolling has carefully compared **SB 21, 41, 50, 84, 108, 118, 131, 136, 156, 165, and 195**
20 and finds the same correctly enrolled.

21 Respectfully submitted,
22 Lee A. Schoenbeck, Chair

23 **MESSAGES FROM THE HOUSE**

24 MR. PRESIDENT:

25 I have the honor to inform your honorable body that the House has concurred in Senate
26 amendments to **HB 1041, 1119, and 1152**.

27 Also MR. PRESIDENT:

28 I have the honor to inform your honorable body that the House has adopted the report of the
29 Conference Committee on **HB 1068**.

30 Also MR. PRESIDENT:

31 I have the honor to return herewith **SB 24, 53, 167, and 201** which have been amended by
32 the House and your concurrence in the amendments is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to return herewith **SCR 602** in which the House has concurred.

3 Also MR. PRESIDENT:

4 I have the honor to return herewith **SB 41, 84, 108, 118, 131, 136, 156, 165, and 195**
5 which have passed the House without change.

6 Respectfully,
7 Patricia Miller, Chief Clerk

8 **MOTIONS AND RESOLUTIONS**

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

14 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-seventh
15 Legislature of the State of South Dakota to Sequoia Altamirano, Grace Barnett, Kathryn Doom,
16 Kieran Duffy, Maxwell Lightfield, Katherine Mickelson, Logan Mueller, Jillian Navratil, Dorian
17 Sikkink, Kaira Stomprud, Michael Wagenaar, and Zachary Winter.

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

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

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

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

26 Sen. Zikmund moved that Senate Page Resolution 4 be adopted.

27 The question being on Sen. Zikmund's motion that Senate Page Resolution 4 be adopted.

28 And the roll being called:

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

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

34 Excused: Frye-Mueller

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

1 Sen. Maher moved that the Senate do not concur in House amendments to **SB 104** and that
2 a committee of three on the part of the Senate be appointed to meet with a like committee on the
3 part of the House to adjust the differences between the two houses.

4 Which motion prevailed and the President announced as such committee
5 Senators Maher (Chair), Bolin, and Nesiba.

6 Sen. Schoenbeck moved that **SB 60** be referred from the Joint Committee on Appropriations
7 to the Senate Committee on Appropriations.

8 Which motion prevailed.

9 Sen. Cammack moved that **HB 1012, 1124, 1126, 1210, 1281, and 1325** be deferred to
10 Monday, March 7, 2022, the 34th legislative day.

11 Which motion prevailed.

12 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 11:00 a.m., on
13 Monday, March 7, 2022, the 34th legislative day.

14 Which motion prevailed.

15 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

17 Transportation on **HB 1084 and 1174** as found on page 432 of the Senate Journal; also

18 Senate Appropriations on **HB 1166** as found on page 433 of the Senate Journal and **HB 1306**
19 as found on page 434 of the Senate Journal; and

20 State Affairs on **HB 1127** as found on page 434 of the Senate Journal be adopted.

21 Which motion prevailed and the reports were adopted.

22 Sen. Steinhauer moved that the report of the Conference Committee on **HB 1044** as found on
23 page 435 of the Senate Journal be adopted.

24 The question being on Sen. Steinhauer's motion that the report of the Conference Committee
25 on **HB 1044** be adopted.

26 And the roll being called:

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

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

32 Excused: Frye-Mueller

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 President declared the motion carried and the report was adopted.

3 **SECOND READING OF CONSENT CALENDAR ITEMS**

4 **HB 1051:** FOR AN ACT ENTITLED, An Act to amend certain provisions relating to the small
5 business credit initiative fund.

6 **HB 1156:** FOR AN ACT ENTITLED, An Act to revise provisions regarding weed removal along
7 highways.

8 Were read the second time.

9 The question being "Shall **HB 1051** pass as amended, and **HB 1156** pass?"

10 And the roll being called:

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

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

16 Excused: Frye-Mueller

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

19 **SIGNING OF BILLS**

20 The President publicly read the title to

21 **SB 21:** FOR AN ACT ENTITLED, An Act to revise provisions related to the revocation of a
22 medical cannabis registry identification card.

23 **SB 41:** FOR AN ACT ENTITLED, An Act to revise the appropriation for the construction of a
24 National Guard Readiness Center in Sioux Falls, for the purchase and exchange of property between
25 the state and the Sioux Falls Development Foundation, and to declare an emergency.

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

28 **SB 84:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design, renovation,
29 and construction of a multi-purpose facility at the Cottonwood Field Station and to declare an
30 emergency.

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

33 **SB 118:** FOR AN ACT ENTITLED, An Act to establish provisions related to the testing of medical
34 cannabis.

35 **SB 131:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to provide an annual
36 presentation to the special committee.

- 1 **SB 136:** FOR AN ACT ENTITLED, An Act to revise and clarify certain processes for emergency
2 detainment related to drug and alcohol abuse.
- 3 **SB 156:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding census estimates
4 for the purposes of off-sale and on-sale liquor licenses.
- 5 **SB 165:** FOR AN ACT ENTITLED, An Act to exempt gross receipts of certain coaches from
6 certain gross receipts taxes.
- 7 **SB 195:** FOR AN ACT ENTITLED, An Act to establish the burden of proof after a claim of
8 immunity.
- 9 **HB 1016:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
10 disasters in the state and to declare an emergency.
- 11 **HB 1017:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
12 suppression of wildfires in the state and to declare an emergency.
- 13 **HB 1020:** FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration to
14 construct an addition to the Kinsman Building in Pierre, to make an appropriation therefor, and to
15 declare an emergency.
- 16 **HB 1021:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire
17 property, contract for the design and construction of an athletics events center at Dakota State
18 University, to make an appropriation therefor, and to declare an emergency.
- 19 **HB 1022:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
20 design and renovation of, and construction of an addition to, the Stanley J. Marshall Center at South
21 Dakota State University, to make an appropriation therefor, and to declare an emergency.
- 22 **HB 1023:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish a
23 South Dakota State University building and to make an appropriation therefor.
- 24 **HB 1024:** FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions regarding
25 self-support tuition rates at off-campus locations governed by the Board of Regents.
- 26 **HB 1030:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain health
27 care professionals who have complied with the requirements for certain health care recruitment
28 assistance programs and to declare an emergency.
- 29 **HB 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
30 natural resources conservation fund to the State Conservation Commission and to declare an
31 emergency.
- 32 **HB 1047:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
33 Education to improve and renovate the Cultural Heritage Center and to declare an emergency.
- 34 **HB 1086:** FOR AN ACT ENTITLED, An Act to provide for the redistribution of donated
35 prescription drugs and medical supplies.
- 36 **HB 1092:** FOR AN ACT ENTITLED, An Act to make an appropriation for the precision agriculture
37 cybersecurity CyberAg partnership initiative and to declare an emergency.
- 38 **HB 1110:** FOR AN ACT ENTITLED, An Act to revise a provision related to the appointment of
39 a guardian ad litem or a special advocate to represent an abused or neglected child.
- 40 **HB 1115:** FOR AN ACT ENTITLED, An Act to allow succession to real property by an affidavit.
- 41 **HB 1120:** FOR AN ACT ENTITLED, An Act to include carbon dioxide and carbon dioxide capture
42 companies in certain provisions regarding pipeline taxation.

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

3 **HB 1137:** FOR AN ACT ENTITLED, An Act to make an appropriation for high performance
4 computing and data storage systems at South Dakota State University and to declare an emergency.

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

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

9 **HB 1196:** FOR AN ACT ENTITLED, An Act to designate the traditional flute as the official
10 indigenous musical instrument of South Dakota.

11 **HB 1197:** FOR AN ACT ENTITLED, An Act to include certain costs as project costs for tax
12 increment financing districts.

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

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

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

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

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

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

24 Sen. Rohl moved that the Senate do now adjourn, which motion prevailed and at 1:50 p.m.
25 the Senate adjourned.

26

Kay Johnson, Secretary

