

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 09, 2022

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Deacon Kris Wollman, followed by the Pledge of Allegiance led by President Larry Rhoden.

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 35th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Lee A. Schoenbeck, Chair

1

COMMUNICATIONS AND PETITIONS

2

March 8, 2022

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on March 8, 2022, I approved Senate Bills 4, 12, 14, 23, 27, 52, 64, 67, 73, 93, and 176, and the same have been deposited in the office of the Secretary of State.

7

Respectfully submitted,
Kristi Noem
Governor

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REPORTS OF STANDING COMMITTEES

11

MR. PRESIDENT:

12

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 19, 26, 54, 90, 144, 162, and 212** and finds the same correctly enrolled.

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Respectfully submitted,
Lee A. Schoenbeck, Chair

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17

REPORTS OF CONFERENCE COMMITTEES

18

MR. PRESIDENT:

19

The SB104 A Conference Committee on **SB 104** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that the Senate and House do NOT concur with the House amendments to **SB 104** and do NOT appoint a new committee.

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Respectfully submitted,
Ryan Maher, Chair

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Respectfully submitted,
David L. Anderson, Chair

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MR. PRESIDENT:

26

The SB211 A Conference Committee on **SB 211** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that the Senate and House do NOT concur with the House amendments to **SB 211** and do NOT appoint a new committee.

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Respectfully submitted,
Gary L. Cammack, Chair

31

Respectfully submitted,
Spencer Gosch, Chair

1 MR. PRESIDENT:

2 The SB81 A Conference Committee on **SB 81** respectfully reports that it has considered the
3 disagreement of the two houses, and returns the same with the recommendation that the Senate
4 and House do concur with the House amendments to **SB 81**.

5 Respectfully submitted,
6 Helene Duhamel, Chair

Respectfully submitted,
Tim Reed, Chair

7 **MOTIONS AND RESOLUTIONS**

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

10 Which motion prevailed.

11 Sen. Cammack moved that the Senate do now recess until 12:30 p.m.

12 Which motion prevailed and at 10:13 a.m., the Senate recessed.

13 **RECESS**

14 The Senate reconvened at 12:30 p.m., the President presiding.

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

17 **REPORTS OF STANDING COMMITTEES**

18 MR. PRESIDENT:

19 The Committee on Legislative Procedure respectfully reports that **SB 33, 42, 43, 44, 55, 56,**
20 **57, 58, 61, 62, 97, 107, 120, 122, 130, 132, 133, 151, 152, 155, 167, 170, 197, 201, and**
21 **203** were delivered to her Excellency, the Governor, for her approval at 10:43 a.m., March 9, 2022.

22 Respectfully submitted,
23 Lee A. Schoenbeck, Chair

24 **REPORTS OF CONFERENCE COMMITTEES**

25 MR. PRESIDENT:

26 The SB109 A Conference Committee on **SB 109** respectfully reports that it has considered the
27 disagreement of the two houses, and returns the same with the recommendation that the Senate
28 and House do NOT concur with the House amendments to **SB 109** and do NOT appoint a new
29 committee.

30 Respectfully submitted,
31 Lee Schoenbeck, Chair

Respectfully submitted,
Hugh M. Bartels, Chair

1 MR. PRESIDENT:

2 The HB1281 A Conference Committee on **HB 1281** respectfully reports that it has considered
 3 the disagreement of the two houses, and returns the same with the recommendation that said bill
 4 be amended as follows:

5 1281C

6 On page 1, line 1, of the Senate Engrossed bill, delete "make an appropriation for matching
 7 funds to enhance research in manufacturing processes having lunar application and planetary use
 8 in tribal housing development and to declare an emergency" and insert " clarifying the contents of
 9 the general appropriations act for fiscal year 2023, pertaining to certain federal moneys and to
 10 declare an emergency"

11 On the Senate Engrossed bill, delete everything after the enacting clause and insert:

12 "

13 **Section 1.** A department or agency shall complete a base transfer of any appropriation for
 14 money received from the American Rescue Plan Act, Pub. L. 117-2; Infrastructure Investments and
 15 Jobs Act, Pub. L. 117-58; Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136; or
 16 Consolidated Appropriations Act, Pub. L. 116-220 contained in any budget unit in the general
 17 appropriations act for the fiscal year ending June 30, 2023, to the appropriate budget unit created
 18 by section 2 to 9, inclusive, of this Act.

19 **Section 2.** There is hereby created in the general appropriations act within the department of
 20 transportation budget for the fiscal year ending June 30, 2023, the following budget units:

21 (1) DOT Infrastructure Investments and Jobs Act, to carry out federal expenditure authority
 22 with moneys and grants provided to the department on behalf of the state through the Infrastructure
 23 Investments and Jobs Act, Pub. L. 117-58.

24 (2) DOT American Rescue Plan Act, to carry out federal expenditure authority for moneys and
 25 grants provided to the department on behalf of the state through the American Rescue Plan Act,
 26 Pub. L. 117-2

27 **Section 3.** There is hereby created in the general appropriations act within the department of
 28 public safety budget for the fiscal year ending June 30, 2023, the budget unit, DPS Infrastructure
 29 Investments and Jobs Act, to carry out federal expenditure authority with moneys and grants
 30 provided to the department on behalf of the state through the Infrastructure Investments and Jobs
 31 Act, Pub. L. 117-58

32 **Section 4.** There is hereby created in the general appropriations act within the department of
 33 agriculture and natural resources budget for the fiscal year ending June 30, 2023, the budget unit,
 34 DANR Infrastructure Investments and Jobs Act, to carry out federal expenditure authority with
 35 moneys and grants provided to the department on behalf of the state through the Infrastructure
 36 Investments and Jobs Act, Pub. L. 117-58.

37 **Section 5.** There is hereby created in the general appropriations act within the governor's
 38 office of economic development budget for the fiscal year ending June 30, 2023, the budget unit,
 39 GOED Infrastructure Investments and Jobs Act, to carry out federal expenditure authority with
 40 moneys and grants provided to the department on behalf of the state through the Infrastructure
 41 Investments and Jobs Act, Pub. L. 117-58.

42 **Section 6.** There is hereby created in the general appropriations act within the department of
 43 social services budget for the fiscal year ending June 30, 2023, the budget unit, DSS Infrastructure
 44 Investments and Jobs Act, to carry out federal expenditure authority with moneys and grants
 45 provided to the department on behalf of the state through the Infrastructure Investments and Jobs
 46 Act, Pub. L. 117-58.

1 **Section 7.** There is hereby created in the general appropriations act within the department of
2 health budget for the fiscal year ending June 30, 2023, the budget unit, DOH Coronavirus Funding,
3 to carry out federal expenditure authority with moneys and grants provided to the department on
4 behalf of the state through the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136;
5 Consolidated Appropriations Act, Pub. L. 116-220; American Rescue Plan Act, Pub. L. 117-2.

6 **Section 8.** There is hereby created in the general appropriations act within the department of
7 education budget for the fiscal year ending June 30, 2023, the budget unit, DOE American Rescue
8 Plan Act, to carry out federal expenditure authority with moneys and grants provided to the
9 department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-2.

10 **Section 9.** There is hereby created in the general appropriations act within the department of
11 tourism budget for the fiscal year ending June 30, 2023, the budget unit, Tourism American Rescue
12 Plan Act, to carry out federal expenditure authority with moneys and grants provided to the
13 department on behalf of the state through the American Rescue Plan Act, Pub. L. 117-2.

14 **Section 10.** A planned expenditure for a current program that does not change current policy
15 or require the implementation of an additional mandate does not need to be released for expenditure
16 as required by this section.

17 Unless authorized by a special appropriations act, a department or agency may not expend
18 moneys received from a federal act listed in section 1, for a new program or for a current program,
19 if the planned expenditure for the current program commits a department or agency to change a
20 policy or mandate, until the special committee, created pursuant to § 4-8A-2, releases the
21 appropriated money for the new program or the change in policy or mandate for the current
22 program.

23 Terms used in this section mean:

24 (1) "New program," a unique activity, function, or service proposed to be carried out or
25 administered by a budget unit that is not part of the base budget, has not been provided an
26 appropriation by law, and is not currently being performed by a department or agency;

27 (2) "Current program," a unique activity, function, or service carried out or administered by a
28 budget unit that is part of the base budget; has received an appropriation by law for the
29 unique activity, functions, or service; and is currently being performed by a department or
30 agency;

31 (3) "Base budget," the moneys appropriated by the general appropriations act for the ordinary
32 and current expenses of a budget unit, as defined by 4-7-1.

33 This section applies to the general appropriations act ending June 30, 2023.

34 **Section 11.** Whereas, this Act is necessary for the support of the state government and its
35 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
36 force and effect from and after its passage and approval."

37 1281D

38 On the previously adopted amendment (1281C), On page 1, line 3, after "emergency " delete
39 "clarifying"

40 On the previously adopted amendment (1281C), On page 1, line 3, after "clarifying " insert
41 "clarify ".

42 Respectfully submitted,
43 Chris Karr, Chair

Respectfully submitted,
Jean Hunhoff, Chair

1

MOTIONS AND RESOLUTIONS

2

HCR 6014: A CONCURRENT RESOLUTION, Urging the federal government to fulfill treaty obligations by fully funding the Oglala and Rosebud Sioux Tribe Departments of Public Safety for the public safety crisis on the Pine Ridge and Rosebud Sioux Reservations.

3

4

Was read the second time.

5

Sen. Heinert moved that **HCR 6014** as found on page 488 of the Senate Journal be adopted.

6

The question being on Sen. Heinert's motion that **HCR 6014** be adopted.

7

And the roll being called:

8

Yeas 33, Nays 0, Excused 2, Absent 0

9

Yeas: Bolin, Breitling, Cammack, Castleberry, 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, and Zikmund

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Excused: Crabtree and Wiik

15

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HCR 6014** was adopted.

16

17

HCR 6013: A CONCURRENT RESOLUTION, Celebrating American heroes.

18

Was read the second time.

19

Sen. Frye-Mueller moved that **HCR 6013** as found on page 488 of the Senate Journal be adopted.

20

21

The question being on Sen. Frye-Mueller's motion that **HCR 6013** be adopted.

22

And the roll being called:

23

Yeas 34, Nays 0, Excused 1, Absent 0

24

Yeas: Bolin, Breitling, Cammack, Castleberry, 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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28

Excused: Crabtree

29

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HCR 6013** was adopted.

30

1

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

2

Sen. Maher moved that the report of the Conference Committee on **SB 104** as found on page 494 of the Senate Journal be adopted.

3

4

The question being on Sen. Maher's motion that the report of the Conference Committee on **SB 104** be adopted.

5

6

And the roll being called:

7

Yeas 34, Nays 0, Excused 1, Absent 0

8

Yeas: Bolin, Breitling, Cammack, Castleberry, 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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Excused: Crabtree

13

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

14

15

Sen. Cammack moved that the report of the Conference Committee on **SB 211** as found on page 494 of the Senate Journal be adopted.

16

17

The question being on Sen. Cammack's motion that the report of the Conference Committee on **SB 211** be adopted.

18

19

And the roll being called:

20

Yeas 28, Nays 7, Excused 0, Absent 0

21

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

22

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Nays: Bolin, Frye-Mueller, Brock Greenfield, Novstrup, Stalzer, Sutton, and Symens

25

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

26

27

Sen. Duhamel moved that the report of the Conference Committee on **SB 81** as found on page 495 of the Senate Journal be adopted.

28

29

The question being on Sen. Duhamel's motion that the report of the Conference Committee on **SB 81** be adopted.

30

31

And the roll being called:

32

Yeas 35, Nays 0, Excused 0, Absent 0

33

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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35

36

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 Sen. Schoenbeck moved that the report of the Conference Committee on **SB 109** as found on
4 page 495 of the Senate Journal be adopted.

5 The question being on Sen. Schoenbeck's motion that the report of the Conference Committee
6 on **SB 109** be adopted.

7 And the roll being called:

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

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

13 Excused: Frye-Mueller and Heinert

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

16 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
17 Thursday, March 10, 2022, the 37th legislative day.

18 Which motion prevailed.

19 Sen. Cammack moved that the Senate do now recess until 4:00 p.m.

20 Which motion prevailed and at 1:14 p.m., the Senate recessed.

21 **RECESS**

22 The Senate reconvened at 4:00 p.m., the President presiding.

23 **MOTIONS AND RESOLUTIONS**

24 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 53** and that
25 a committee of three on the part of the Senate be appointed to meet with a like committee on the
26 part of the House to adjust the differences between the two houses.

27 Which motion prevailed and the President announced as such committee
28 Senators Duvall (Chair), Hunhoff, and Heinert.

29 There being no objection, the Senate reverted to Order of Business No. 6 - Reports of
30 Conference Committees.

1

REPORTS OF CONFERENCE COMMITTEES

2

MR. PRESIDENT:

3

The HB1166 A Conference Committee on **HB 1166** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that the Senate and House do NOT concur with the Senate amendments to **HB 1166** and do NOT appoint a new committee.

6

7

Respectfully submitted,
Tom Pischke, Chair

8

Respectfully submitted,
John Wiik, Chair

9

MR. PRESIDENT:

10

The HB1209 A Conference Committee on **HB 1209** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

12

13

1209D

14

On the Senate Engrossed bill, delete the previously adopted amendment(s), thus restoring the bill to the Senate Appropriations Engrossed version.

15

16

And that as so amended, do pass.

17

Respectfully submitted,
Kent Peterson, Chair

18

Respectfully submitted,
Casey Crabtree, Chair

19

MR. PRESIDENT:

20

The HB1210 A Conference Committee on **HB 1210** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

22

23

1210B

24

On the Senate Engrossed bill, delete the previously adopted amendment(s), thus restoring the bill to the Introduced version..

25

26

Respectfully submitted,
Kent Peterson, Chair

27

Respectfully submitted,
Casey Crabtree, Chair

28

MR. PRESIDENT:

29

The SB196 A Conference Committee on **SB 196** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

31

32

196E

33

On page 1, line 4, of the House Engrossed bill, delete " \$2" and insert " \$5,000,000".

34

Respectfully submitted,
Jean Hunhoff, Chair

35

Respectfully submitted,
Linda K. Duba, Chair

1 MR. PRESIDENT:

2 The HB1306 A Conference Committee on **HB 1306** respectfully reports that it has considered
3 the disagreement of the two houses, and returns the same with the recommendation that said bill
4 be amended as follows:

5 1306F

6 On page 1, line 4, of the Senate Engrossed bill, after "of" delete " \$1"

7 On page 1, line 4, of the Senate Engrossed bill, after "\$1 " insert "\$25,000,000 "

8 On page 1, line 5, of the Senate Engrossed bill, delete "five " and insert "three "

9 On page 1, line 6, of the Senate Engrossed bill, after "2024, " insert "and "

10 On page 1, line 6, of the Senate Engrossed bill, after "2025" delete ", 2026, and 2027".

11 Respectfully submitted,
12 Caleb Finck, Chair

Respectfully submitted,
Bryan J. Breitling, Chair

13 MR. PRESIDENT:

14 The SB174 A Conference Committee on **SB 174** respectfully reports that it has considered the
15 disagreement of the two houses, and returns the same with the recommendation that said bill be
16 amended as follows:

17 174C

18 On page 1, line 4, of the House Appropriations Engrossed bill, delete " \$16,000,000" and insert
19 " \$8,000,000".

20 Respectfully submitted,
21 Jack Kolbeck, Chair

Respectfully submitted,
Chris Johnson, Chair

22 MR. PRESIDENT:

23 The SB24 A Conference Committee on **SB 24** respectfully reports that it has considered the
24 disagreement of the two houses, and returns the same with the recommendation that said bill be
25 amended as follows:

26 24K

27 On the House Engrossed bill, delete the previously adopted amendment(s), thus restoring the
28 bill to the Senate Engrossed version.

29 On page 1, line 10, after "cultivation," delete " three"

30 On page 1, line 11, after "three " insert "two "

31 On page 1, line 11, after "and " delete "three"

32 On page 1, line 12, after "three " insert "two "

33 On page 5, line 6, after "six" delete " three"

1 On page 5, line 6, after "three " insert "two "

2 On page 5, line 7, delete " three" and insert " two".

3 Respectfully submitted,
4 Bryan J. Breitling, Chair

Respectfully submitted,
Fred Deutsch, Chair

5 MR. PRESIDENT:

6 The SB161 A Conference Committee on **SB 161** respectfully reports that it has considered the
7 disagreement of the two houses, and returns the same with the recommendation that the Senate
8 and House do concur with the House amendments to **SB 161**.

9 Respectfully submitted,
10 Bryan J. Breitling, Chair

Respectfully submitted,
Rocky Blare, Chair

11 MR. PRESIDENT:

12 The SB103 A Conference Committee on **SB 103** respectfully reports that it has considered the
13 disagreement of the two houses, and returns the same with the recommendation that said bill be
14 amended as follows:

15 103D

16 On page 1, line 4, of the House Engrossed bill, delete " \$2" and insert " \$500,000"

17 103E

18 On the previously adopted amendment (103D), On page 1, line 4, delete " \$500,000" and
19 insert " \$0".

20 Respectfully submitted,
21 Jean Hunhoff, Chair

Respectfully submitted,
Chris Karr, Chair

22 MR. PRESIDENT:

23 The SB198 A Conference Committee on **SB 198** respectfully reports that it has considered the
24 disagreement of the two houses, and returns the same with the recommendation that the Senate
25 and House do concur with the House amendments to **SB 198** and that said bill be amended as
26 follows:

27 198F

28 On page 1, line 1, of the House State Affairs Engrossed bill, after "interim " insert "juvenile
29 continuum of care "

30 On page 1, line 1, of the House State Affairs Engrossed bill, after "committee " delete
31 "regarding alternatives for placement of juvenile offenders"

32 On page 1, line 4, of the House State Affairs Engrossed bill, delete "placement " and insert
33 "continuum of care "

34 On page 1, line 5, of the House State Affairs Engrossed bill, delete "alternatives for placement
35 " and insert "community based alternative programing that best meets the needs "

1 On page 1, line 5, of the House State Affairs Engrossed bill, after "of " insert "identified juveniles
2 or "

3 On page 1, line 5, of the House State Affairs Engrossed bill, after "offenders" insert " within
4 the community"

5 On page 1, line 5, of the House State Affairs Engrossed bill, after "offenders, " delete "develop
6 findings, report on the findings, "

7 On page 1, line 6, of the House State Affairs Engrossed bill, after "recommend " insert "any
8 necessary "

9 On page 1, line 6, of the House State Affairs Engrossed bill, delete "The speaker shall appoint
10 five members of the House of Representatives and three members of the public, at least two with
11 involvement in public education. The president pro tempore shall appoint five members of the
12 Senate and three members of the public, at least two with involvement in public education. The
13 Governor shall appoint eight individuals. " and insert "

14 The committee must consist of:

15 (1) Four members of the House of Representatives, appointed by the speaker of the House of
16 Representatives;

17 (2) Four members of the Senate, appointed by the president pro tempore of the Senate;

18 (3) Two administrators employed by school districts, appointed by the speaker of the House of
19 Representatives;

20 (4) Two administrators employed by school districts, appointed by the president pro tempore
21 of the Senate;

22 (5) One mental health professional employed in the private sector, appointed by the speaker
23 of the House of Representatives;

24 (6) One mental health professional employed in the private sector, appointed by the president
25 pro tempore of the Senate;

26 (7) One addiction and prevention professional who is employed in the private sector and
27 provides services primarily to juveniles, appointed by the speaker of the House of Representatives;

28 (8) One addiction and prevention professional who is employed in the private sector and
29 provides services primarily to juveniles, appointed by the president pro tempore of the Senate;

30 (9) One person representing law enforcement, appointed by the speaker of the House of
31 Representatives;

32 (10) One person representing law enforcement, appointed by the president pro tempore of the
33 Senate; and

34 (9) Two persons representing the South Dakota Unified Judicial System, appointed by the Chief
35 Justice of the South Dakota Supreme Court.

36 "

198G

37 On amendment (198F),

38 On page 1, line 1, after "interim" delete " juvenile continuum of care"

- 1 On page 1, line 6, delete " that best meets" and insert " to best fit"
- 2 On page 1, line 7, after "of" insert " the"
- 3 On page 1, line 7, delete " juveniles" and insert " juvenile"
- 4 On page 1, line 7, delete " offenders" and insert " offender"
- 5 On page 1, line 7, delete " the" and insert " their"
- 6 On page 1, line 7, after "community" delete the comma
- 7 On page 1, line 8, delete " recommend any necessary legislation" and insert " report the
- 8 committee's findings".
- 9 And returns the same with the recommendation that the House and Senate do concur with the
- 10 amendments.

- 11 Respectfully submitted, Respectfully submitted,
- 12 Lee Schoenbeck, Chair Caleb Finck, Chair

13 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

14 Sen. Cammack moved that the Senate do not adopt the report of the Conference Committee
 15 on **HB 1281** as found on page 496 of the Senate Journal and that a new committee on the part of
 16 the Senate be appointed to meet with a like committee on the part of the House to adjust the
 17 differences between the two houses.

18 Which motion prevailed and the President announced as such committee
 19 Senators Hunhoff (Chair), Breitling, and Nesiba.

20 Sen. Wiik moved that the report of the Conference Committee on **HB 1166** as found on page
 21 501 of the Senate Journal be adopted.

22 The question being on Sen. Wiik's motion that the report of the Conference Committee on
 23 **HB 1166** be adopted.

24 And the roll being called:

25 Yeas 27, Nays 8, Excused 0, Absent 0

26 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
 27 Foster, Heinert, Hunhoff, Johns, David Johnson, Klumb, Maher, Nesiba, Herman Otten, Rohl, Rusch,
 28 Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, Wheeler, Wiik, and Zikmund

29 Nays: Frye-Mueller, Brock Greenfield, Kolbeck, Novstrup, Stalzer, Sutton, Symens, and Tobin

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

32 Sen. Crabtree moved that the report of the Conference Committee on **HB 1209** as found on
 33 page 501 of the Senate Journal be adopted.

34 The question being on Sen. Crabtree's motion that the report of the Conference Committee on
 35 **HB 1209** be adopted.

1 And the roll being called:

2 Yeas 29, Nays 6, Excused 0, Absent 0

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

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

8 So the motion having received an affirmative vote of a two-thirds majority of the members-
9 elect, the President declared the motion carried and the report was adopted.

10 Sen. Crabtree moved that the report of the Conference Committee on **HB 1210** as found on
11 page 501 of the Senate Journal be adopted.

12 The question being on Sen. Crabtree's motion that the report of the Conference Committee on
13 **HB 1210** be adopted.

14 And the roll being called:

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

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

20 Nays: Frye-Mueller

21 So the motion having received an affirmative vote of a two-thirds majority of the members-
22 elect, the President declared the motion carried and the report was adopted.

23 Sen. Hunhoff moved that the report of the Conference Committee on **SB 196** as found on page
24 501 of the Senate Journal be adopted.

25 The question being on Sen. Hunhoff's motion that the report of the Conference Committee on
26 **SB 196** be adopted.

27 And the roll being called:

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

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

33 Nays: Frye-Mueller

34 So the motion having received an affirmative vote of a two-thirds majority of the members-
35 elect, the President declared the motion carried and the report was adopted.

- 1 Sen. Breitling moved that the report of the Conference Committee on **HB 1306** as found on
2 page 502 of the Senate Journal be adopted.
- 3 The question being on Sen. Breitling's motion that the report of the Conference Committee on
4 **HB 1306** be adopted.
- 5 And the roll being called:
- 6 Yeas 34, Nays 1, Excused 0, Absent 0
- 7 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
8 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
9 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
10 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund
- 11 Nays: Frye-Mueller
- 12 So the motion having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the motion carried and the report was adopted.
- 14 Sen. Kolbeck moved that the report of the Conference Committee on **SB 174** as found on page
15 502 of the Senate Journal be adopted.
- 16 The question being on Sen. Kolbeck's motion that the report of the Conference Committee on
17 **SB 174** be adopted.
- 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 motion having received an affirmative vote of a two-thirds majority of the members-
25 elect, the President declared the motion carried and the report was adopted.
- 26 Sen. Breitling moved that the report of the Conference Committee on **SB 24** as found on page
27 502 of the Senate Journal be adopted.
- 28 Sen. Wheeler made a substitute motion that the Senate do not adopt the report of the
29 Conference Committee on **SB 24** as found on page 502 of the Senate Journal and that a new
30 committee on the part of the Senate be appointed to meet with a like committee on the part of the
31 House to adjust the differences between the two houses.
- 32 Which motion lost.
- 33 The question being on Sen. Breitling's motion that the report of the Conference Committee on
34 **SB 24** be adopted.
- 35 And the roll being called:
- 36 Yeas 24, Nays 11, Excused 0, Absent 0

1 Yeas: Bolin, Breitling, Cammack, Castleberry, Diedrich, Duhamel, Duvall, Frye-Mueller, Brock
2 Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Rusch, Schoenbeck,
3 V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, and Wiik

4 Nays: Crabtree, Curd, Foster, Heinert, Nesiba, Herman Otten, Rohl, Schoenfish, Tobin,
5 Wheeler, and Zikmund

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

8 Sen. Breitling moved that the report of the Conference Committee on **SB 161** as found on
9 page 503 of the Senate Journal be adopted.

10 The question being on Sen. Breitling's motion that the report of the Conference Committee on
11 **SB 161** be adopted.

12 And the roll being called:

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

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

18 Nays: Frye-Mueller

19 So the motion having received an affirmative vote of a two-thirds majority of the members-
20 elect, the President declared the motion carried and the report was adopted.

21 Sen. Hunhoff moved that the report of the Conference Committee on **SB 103** as found on page
22 503 of the Senate Journal be adopted.

23 Sen. Schoenbeck made a substitute motion that the Senate do not adopt the report of the
24 Conference Committee on **SB 103** as found on page 503 of the Senate Journal and that a new
25 committee on the part of the Senate be appointed to meet with a like committee on the part of the
26 House to adjust the differences between the two houses.

27 Which motion prevailed and the President announced as such committee
28 Senators Hunhoff (Chair), Duhamel, and Nesiba.

29 Sen. Schoenbeck moved that the report of the Conference Committee on **SB 198** as found on
30 page 503 of the Senate Journal be adopted.

31 Sen. Schoenbeck made a substitute motion that the report of the Conference Committee on
32 **SB 198** as found on page 503 of the Senate Journal not be adopted and do not appoint a new
33 committee.

34 The question being on Sen. Schoenbeck's motion that the report of the Conference Committee
35 on **SB 198** not be adopted and to not appoint a new committee.

36 And the roll being called:

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

1 Yeas: Bolin, Breitling, Cammack, Castleberry, Diedrich, Duhamel, Duvall, Brock Greenfield,
2 Johns, David Johnson, Klumb, Novstrup, Rusch, Schoenbeck, Stalzer, Sutton, Wiik, and Zikmund

3 Nays: Crabtree, Curd, Foster, Frye-Mueller, Heinert, Hunhoff, Kolbeck, Maher, Nesiba, Herman
4 Otten, Rohl, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin, and Wheeler

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 President declared the motion carried and the report was not adopted, and no new committee was
7 appointed.

8 **SIGNING OF BILLS**

9 The President publicly read the title to

10 **SB 19:** FOR AN ACT ENTITLED, An Act to permit certain facilities to establish reasonable
11 restrictions related to the medical use of cannabis.

12 **SB 26:** FOR AN ACT ENTITLED, An Act to revise the definition of practitioner for purposes of
13 the medical cannabis program.

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

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

18 **SB 144:** FOR AN ACT ENTITLED, An Act to create the incarceration construction fund for the
19 capital construction of such facilities.

20 **SB 162:** FOR AN ACT ENTITLED, An Act to revise the discretionary formula for reduced
21 taxation of new structures and residential property.

22 **SB 212:** FOR AN ACT ENTITLED, An Act to revise certain fees collected by the Office of the
23 Secretary of State.

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

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

28 **HB 1099:** FOR AN ACT ENTITLED, An Act to revise provisions related to courtroom
29 modifications for child witnesses.

30 **HB 1100:** FOR AN ACT ENTITLED, An Act to revise provisions related to the video recording
31 of certain victim testimony at a preliminary hearing or deposition.

32 **HB 1117:** FOR AN ACT ENTITLED, An Act to revise a certain provision regarding standard
33 nonforfeiture amounts for individual deferred annuities.

34 **HB 1129:** FOR AN ACT ENTITLED, An Act to prohibit forms of discrimination in access to organ
35 transplantation.

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

38 **HB 1176:** FOR AN ACT ENTITLED, An Act to grant immunity from certain liabilities for camping
39 activities.

1 **HB 1229:** FOR AN ACT ENTITLED, An Act to authorize the formation of corporations and
2 limited liability companies by physical therapists, occupational therapists, and speech-language
3 pathologists.

4 **HB 1278:** FOR AN ACT ENTITLED, An Act to revise the child support obligation schedule.

5 **HB 1284:** FOR AN ACT ENTITLED, An Act to increase household income thresholds for a
6 paraplegic tax reduction.

7 **HB 1289:** FOR AN ACT ENTITLED, An Act to update provisions regarding self-service storage.

8 **HB 1293:** FOR AN ACT ENTITLED, An Act to limit liability for certain child welfare agency
9 licensees.

10 **HB 1302:** FOR AN ACT ENTITLED, An Act to modify tuition responsibilities for children in
11 residential treatment centers.

12 **HB 1322:** FOR AN ACT ENTITLED, An Act to provide for the direct sale of certain home-
13 produced or home-processed foods and food products.

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

15 There being no objection, the Senate reverted to Order of Business No. 7 - Messages from
16 the House.

17 **MESSAGES FROM THE HOUSE**

18 MR. PRESIDENT:

19 I have the honor to inform your honorable body that the House has failed to adopt the report
20 of the Conference Committee on **SB 103** and has appointed Representatives Tidemann (Chair),
21 Howard, and Keintz as a new committee of three on the part of the House to meet with a like
22 committee on the part of the Senate to adjust the differences between the two houses.

23 Also MR. PRESIDENT:

24 I have the honor to inform your honorable body that the House has appointed
25 Representatives Gosch (Chair), Kent Peterson, and Jamie Smith as a committee of three on the part
26 of the House to meet with a like committee on the part of the Senate to adjust the differences
27 between the two houses on **SB 53**.

28 Also MR. PRESIDENT:

29 I have the honor to inform your honorable body that the House has adopted the reports of the
30 Conference Committees on **SB 24, 81, 104, 109, 161, 174, 196, 198, and 211, and HB 1166,**
31 **1209, 1210, and 1306.**

32
33

Respectfully,
Patricia Miller, Chief Clerk

1 Sen. Diedrich moved that the Senate do now adjourn, which motion prevailed and at 5:43 p.m.
2 the Senate adjourned.

3

Kay Johnson, Secretary

