

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 19, 2022

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

The prayer was offered by the Chaplain, Rev. Matt Spoden, followed by the Pledge of Allegiance led by Senate page Emily Olsen.

Roll Call: All members present except Sens. Diedrich and Heinert who were excused and Sens. Brock Greenfield and Symens who were present remotely.

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 5th 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

COMMUNICATIONS AND PETITIONS

2 April 20, 2021

3 The Honorable Larry Rhoden
4 President of the Senate
5 State Capitol
6 Pierre, SD 57501

7 Dear President and Members of the Senate:

8 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to
9 your consent, I have the honor to inform you that I have appointed Tonnis H. Venhuizen, of Lincoln
10 County, Sioux Falls, South Dakota, to the State Board of Regents.

11 This appointment is effective April 26, 2021, and shall continue until March 31, 2027.

12 Sincerely,
13 Kristi Noem
14 Governor

15 The President announced the referral of the appointment to the Committee on Education.

16 April 20, 2021

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to
23 your consent, I have the honor to inform you that I have appointed Timothy Rave, of Minnehaha
24 County, Baltic, South Dakota, to the State Board of Regents.

25 This appointment is effective April 26, 2021, and shall continue until March 31, 2027.

26 Sincerely,
27 Kristi Noem
28 Governor

29 The President announced the referral of the appointment to the Committee on Education.

1 April 20, 2021

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have appointed Jeffrey Partridge, of Pennington
9 County, Rapid City, South Dakota, to the State Board of Regents.

10 This appointment is effective April 26, 2021, and shall continue until March 31, 2027.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Education.

15 October 8, 2021

16 The Honorable Larry Rhoden
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear President and Members of the Senate:

21 Pursuant to the provisions of Senate Bill 65, passed during the 2017 Legislative Session and
22 subject to your consent, I have the honor to inform you that I have appointed Brian Sandvig, of
23 Grant County, Milbank, South Dakota, to the South Dakota Board of Technical Education.

24 This appointment is effective September 2, 2021, and shall continue until October 31, 2022.

25 Sincerely,
26 Kristi Noem
27 Governor

28 The President announced the referral of the appointment to the Committee on Education.

29 December 7, 2021

30 The Honorable Larry Rhoden
31 President of the Senate
32 State Capitol
33 Pierre, SD 57501

1 Dear President and Members of the Senate:

2 Pursuant to the provisions of Senate Bill 65, passed during the 2017 Legislative Session and
3 subject to your consent, I have the honor to inform you that I have appointed Kay Schallenkamp,
4 of Lawrence County, Spearfish, South Dakota, to the South Dakota Board of Technical Education.

5 This appointment is effective November 1, 2021, and shall continue until October 31, 2024.

6 Sincerely,
7 Kristi Noem
8 Governor

9 The President announced the referral of the appointment to the Committee on Education.

10 December 7, 2021

11 The Honorable Larry Rhoden
12 President of the Senate
13 State Capitol
14 Pierre, SD 57501

15 Dear President and Members of the Senate:

16 Pursuant to the provisions of Senate Bill 65, passed during the 2017 Legislative Session and
17 subject to your consent, I have the honor to inform you that I have appointed Brad Greenway, of
18 Davison County, Mitchell, South Dakota, to the South Dakota Board of Technical Education.

19 This appointment is effective November 1, 2021, and shall continue until October 31, 2024.

20 Sincerely,
21 Kristi Noem
22 Governor

23 The President announced the referral of the appointment to the Committee on Education.

24 December 7, 2021

25 The Honorable Larry Rhoden
26 President of the Senate
27 State Capitol
28 Pierre, SD 57501

29 Dear President and Members of the Senate:

30 Pursuant to the provisions of Senate Bill 65, passed during the 2017 Legislative Session and
31 subject to your consent, I have the honor to inform you that I have appointed Joy Nelson, of
32 Codington County, Watertown, South Dakota, to the South Dakota Board of Technical Education.

33 This appointment is effective November 1, 2021, and shall continue until October 31, 2024.

1 _____ Sincerely,
2 Kristi Noem
3 Governor

4 The President announced the referral of the appointment to the Committee on Education.

5 August 12, 2021

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

10 Dear President and Members of the Senate:

11 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
12 your consent, I have the honor to inform you that I have reappointed Michael V. Luken, of Codington
13 County, Watertown, South Dakota, to the Board of Economic Development.

14 This reappointment is effective July 26, 2021, and shall continue until April 19, 2025.

15 Sincerely,
16 Kristi Noem
17 Governor

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

20 August 12, 2021

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

25 Dear President and Members of the Senate:

26 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
27 your consent, I have the honor to inform you that I have reappointed Jeffery A. Erickson, of Lincoln
28 County, Sioux Falls, South Dakota, to the Board of Economic Development.

29 This reappointment is effective July 26, 2021, and shall continue until April 19, 2025.

30 Sincerely,
31 Kristi Noem
32 Governor

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

1 August 12, 2021

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to
8 your consent, I have the honor to inform you that I have reappointed David Emery, of Pennington
9 County, Rapid City, South Dakota, to the Board of Economic Development.

10 This reappointment is effective July 26, 2021, and shall continue until April 19, 2025.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the reappointment to the Committee on Commerce
15 and Energy.

16 December 3, 2021

17 The Honorable Larry Rhoden
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 1-16H of the South Dakota Codified Laws and subject to
23 your consent, I have the honor to inform you that I have appointed Chris Fall, of Arlington County,
24 Arlington, Virginia, to the South Dakota Science and Technology Authority.

25 This appointment is effective December 1, 2021, and shall continue until August 8, 2027.

26 Sincerely,
27 Kristi Noem
28 Governor

29 The President announced the referral of the appointment to the Committee on Commerce and
30 Energy.

31 December 3, 2021

32 The Honorable Larry Rhoden
33 President of the Senate
34 State Capitol
35 Pierre, SD 57501

1 Dear President and Members of the Senate:

2 Pursuant to the provisions of Chapter 1-16H of the South Dakota Codified Laws and subject to
3 your consent, I have the honor to inform you that I have reappointed Casey Peterson, of Pennington
4 County, Rapid City, South Dakota, to the South Dakota Science and Technology Authority.

5 This reappointment is effective December 1, 2021, and shall continue until August 8, 2027.

6 Sincerely,
7 Kristi Noem
8 Governor

9 The President announced the referral of the reappointment to the Committee on Commerce
10 and Energy.

11 April 7, 2021

12 The Honorable Larry Rhoden
13 President of the Senate
14 State Capitol
15 Pierre, SD 57501

16 Dear President and Members of the Senate:

17 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your
18 consent, I have the honor to inform you that I have appointed Kevin Robling, of Hughes County,
19 Pierre, South Dakota, to the position of Secretary of Game, Fish and Parks.

20 This appointment is effective immediately.

21 Sincerely,
22 Kristi Noem
23 Governor

24 The President announced the referral of the appointment to the Committee on Agriculture and
25 Natural Resources.

26 July 22, 2021

27 The Honorable Larry Rhoden
28 President of the Senate
29 State Capitol
30 Pierre, SD 57501

31 Dear President and Members of the Senate:

32 Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject to
33 your consent, I have the honor to inform you that I have appointed Julie Bartling, of Gregory County,
34 Gregory, South Dakota, to the Game, Fish and Parks Commission.

35 This appointment is effective July 15, 2021, and shall continue until January 10, 2025.

1 _____ Sincerely,
2 Kristi Noem
3 Governor

4 The President announced the referral of the appointment to the Committee on Agriculture and
5 Natural Resources.

6 April 7, 2021

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 Article IV, Section 9, of the Constitution and subject to your
13 consent, I have the honor to inform you that I have appointed Joel Jundt, of Hughes County, Pierre,
14 South Dakota, to the position of Secretary of the Department of Transportation.

15 This appointment is effective immediately.

16 Sincerely,
17 Kristi Noem
18 Governor

19 The President announced the referral of the appointment to the Committee on Transportation.

20 January 4, 2022

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

25 Dear President and Members of the Senate:

26 Pursuant to the provisions of House Bill 1076, passed during the 2017 Legislative Session and
27 subject to your consent, I have the honor to inform you that I have appointed David Gilbertson, of
28 Brookings County, Brookings, South Dakota, to the Government Accountability Board.

29 This appointment is effective July 26, 2021, and shall continue until June 30, 2026.

30 Sincerely,
31 Kristi Noem
32 Governor

33 The President announced the referral of the appointment to the Committee on State Affairs.

1

REPORTS OF STANDING COMMITTEES

2

MR. PRESIDENT:

3

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 28 and 74** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

6

Respectfully submitted,
Mary Duvall, Chair

7

8

MR. PRESIDENT:

9

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 69** and returns the same with the recommendation that said bill do pass.

10

11

Also MR. PRESIDENT:

12

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 68** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

13

14

15

Respectfully submitted,
Gary L. Cammack, Chair

16

17

CONSIDERATION OF REPORTS OF COMMITTEES

18

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

19

Agriculture and Natural Resources on **SB 64** as found on page 54 of the Senate Journal; also

20

Commerce and Energy on **SB 36** as found on page 60 of the Senate Journal; and

21

Education on **SB 71** as found on page 61 of the Senate Journal be adopted.

22

Which motion prevailed and the reports were adopted.

23

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

24

SB 88: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the State Conservation Commission and conservation districts.

25

26

Introduced by: **Senator** Duvall

27

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

28

SB 89: FOR AN ACT ENTITLED, An Act to require insurers to provide coverage for hearing aids and related services to persons under age nineteen.

29

30

Introduced by: **Senator** Tobin

31

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

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

4 Introduced by: **Senator** Schoenfish

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

6 **SECOND READING OF CONSENT CALENDAR ITEMS**

7 Sen. Nesiba requested that **SB 47** be removed from the Consent Calendar.

8 Pursuant to Senate Rule 6-1, the President removed **SB 38** from the Consent Calendar.

9 **SB 1:** FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2021.

10 **SB 2:** FOR AN ACT ENTITLED, An Act to publish voter-approved initiated constitutional
11 amendments and initiated measures in the session laws.

12 Were read the second time.

13 The question being "Shall **SB 1 and 2** pass?"

14 And the roll being called:

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

16 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Duhamel, Duvall, Foster, Frye-
17 Mueller, Brock Greenfield, 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 Excused: Diedrich and Heinert

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

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

24 **SB 46:** FOR AN ACT ENTITLED, An Act to protect fairness in women's sports.

25 Was read the second time.

26 Sen. Duvall moved that **SB 46** be amended as follows:

27 46C

28 On page 1, line 21, of the Senate State Affairs Engrossed bill, after "injunctive" insert "
29 mandamus, and declaratory"

30 On page 1, line 21, of the Senate State Affairs Engrossed bill, after "relief" delete " and any
31 other equitable relief available under law"

1 On page 2, line 6, of the Senate State Affairs Engrossed bill, after "injunctive" insert "
2 mandamus, and declaratory"

3 On page 2, line 6, of the Senate State Affairs Engrossed bill, after "relief" delete " and any
4 other equitable relief available under law"

5 On page 2, line 17, of the Senate State Affairs Engrossed bill, after "injunctive" insert "
6 mandamus, and declaratory"

7 On page 2, line 17, of the Senate State Affairs Engrossed bill, after "relief" delete " and any
8 other equitable relief available under law"

9 Which motion prevailed.

10 Sen. Schoenfish moved that **SB 46** be amended as follows:

11 46B

12 On page 2, line 21, of the Senate State Affairs Engrossed bill, after "district," insert " activities
13 association or organization,"

14 On page 3, line 2, of the Senate State Affairs Engrossed bill, after "individual." insert "

15 For any lawsuit brought or any complaint filed against an activities association or organization
16 or an employee, board, or a member thereof, as a result of compliance with section 1 of this Act,
17 the state shall assume financial responsibility for expenses of legal representation related to the
18 lawsuit or complaint incurred by that entity or individual."

19 On page 3, line 5, of the Senate State Affairs Engrossed bill, after "district," insert " an activities
20 association or organization,"

21 Which motion lost.

22 The question being "Shall **SB 46** pass as amended?"

23 And the roll being called:

24 Yeas 26, Nays 7, Excused 2, Absent 0

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

28 Nays: Foster, Hunhoff, Johns, Nesiba, Rusch, V. J. Smith, and Wheeler

29 Excused: Diedrich and Heinert

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.

32 **SB 45:** FOR AN ACT ENTITLED, An Act to revise notice and record keeping requirements of
33 real estate brokerages.

34 Was read the second time.

1 The question being "Shall **SB 45** pass?"

2 And the roll being called:

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

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

8 Excused: Diedrich and Heinert

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

11 **COMMEMORATIONS**

12 **SC 802:** A LEGISLATIVE COMMEMORATION, Honoring the Mount Rushmore Rug Hookers'
13 Social Club, a member of the national organization, Association of Traditional Hooking Artists.

14 Introduced by: **Senator** Duhamel and **Representative** Drury

15 **SC 803:** A LEGISLATIVE COMMEMORATION, honoring and commending Dow Rummel Village
16 for its ninety-four percent vaccination rate among staff members.

17 Introduced by: **Senators** Nesiba and Schoenbeck and **Representatives** Duba, Barthel,
18 Keintz, Reed, and Jamie Smith

19 Sen. Novstrup moved that the Senate do now adjourn, which motion prevailed and at 3:29
20 p.m. the Senate adjourned.

21

Kay Johnson, Secretary