

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

TWELFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 27, 2022

The Senate convened at 1:00 p.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 Senate page Clair Hall.

Roll Call: All members present except Sens. Frye-Mueller and David Johnson who were excused and Sen. Rusch who was 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 11th 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

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Retirement Laws respectfully reports that it has had under
4 consideration **SB 56 and 57** and returns the same with the recommendation that said bills do pass.

5 Respectfully submitted,
6 Jim Bolin, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
9 consideration **SB 6** and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Commerce and Energy respectfully reports that it has had under
12 consideration **HB 1028** and returns the same with the recommendation that said bill be amended
13 as follows:

14 1028D

15 On page 2, line 7, of the House Health and Human Services Engrossed bill, delete "No person
16 may engage in the practice of optometry, display a sign, or in any way advertise or hold oneself out
17 as an optometrist, unless the person holds a current license issued by the board pursuant to this
18 chapter. A violation of this section is a Class 2 misdemeanor" and insert "It is a Class 2 misdemeanor
19 for any person who is not the holder of a certificate of registration or exemption, issued and recorded
20 as provided in this chapter, to practice or offer to practice optometry within the state"

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

23 Respectfully submitted,
24 Casey Crabtree, Chair

25 MR. PRESIDENT:

26 The Committee on Senate Judiciary respectfully reports that it has had under consideration
27 **SB 78** which was deferred to the 41st Legislative Day.

28 Also MR. PRESIDENT:

29 The Committee on Senate Judiciary respectfully reports that it has had under consideration
30 **HB 1036** and returns the same with the recommendation that said bill do pass and be placed on
31 the consent calendar.

32 Also MR. PRESIDENT:

33 The Committee on Senate Judiciary respectfully reports that it has had under consideration
34 **HB 1068** and returns the same with the recommendation that said bill be amended as follows:

35 1068A

36 On page 1, line 10, of the Introduced bill, after "kit." delete " This consent is not subject to
37 disaffirmance because of minority or disaffirmance of a parent or guardian, and consent"

1 On page 1, line 12, of the Introduced bill, after "consent " insert "Consent "

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

3 Respectfully submitted,
4 Helene Duhamel, Vice-Chair

5 MR. PRESIDENT:

6 The Committee on Senate Education respectfully reports that it has had under consideration
7 **SB 94** which was deferred to the 41st Legislative Day.

8 Also MR. PRESIDENT:

9 The Committee on Senate Education respectfully reports that it has had under consideration
10 **SB 95** and returns the same with the recommendation that said bill do pass.

11 Also MR. PRESIDENT:

12 The Committee on Senate Education respectfully reports that it has had under consideration
13 **SB 96** and returns the same with the recommendation that said bill be referred to the Joint
14 Committee on Appropriations with a Do Pass recommendation.

15 Also MR. PRESIDENT:

16 The Committee on Senate Education respectfully reports that it has had under consideration
17 **SB 97** and returns the same with the recommendation that said bill be amended as follows:

18 97A

19 On page 1, line 3, of the Introduced bill, delete " thereof" and insert " therefor"

20 And that as so amended said bill be referred to the Joint Committee on Appropriations with a
21 Do Pass recommendation.

22 Also MR. PRESIDENT:

23 The Committee on Senate Education respectfully reports that it has had under consideration
24 the nomination of Tonnis H. Venhuizen of Lincoln County, Sioux Falls, South Dakota, to the State
25 Board of Regents and returns the same with the recommendation that the Senate advise and
26 consent to the confirmation of said appointment.

27 Also MR. PRESIDENT:

28 The Committee on Senate Education respectfully reports that it has had under consideration
29 the nomination of Timothy Rave of Minnehaha County, Baltic, South Dakota, to the State Board of
30 Regents and returns the same with the recommendation that the Senate advise and consent to the
31 confirmation of said appointment.

32 Also MR. PRESIDENT:

33 The Committee on Senate Education respectfully reports that it has had under consideration
34 the nomination of Jeffrey Partridge of Pennington County, Rapid City, South Dakota, to the State
35 Board of Regents and returns the same with the recommendation that the Senate advise and
36 consent to the confirmation of said appointment.

37 Respectfully submitted,
38 R. Blake Curd, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
3 had under consideration **HB 1046** and returns the same with the recommendation that said bill do
4 pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
7 had under consideration **SB 88, and SCR 601** and returns the same with the recommendation that
8 said bill and resolution do pass, and having been certified as uncontested, be placed on the consent
9 calendar.

10 Respectfully submitted,
11 Troy Heinert, Chair

12 **MESSAGES FROM THE HOUSE**

13 MR. PRESIDENT:

14 I have the honor to transmit herewith **HB 1010, 1011, 1050, 1080, and 1106** which have
15 passed the House and your favorable consideration is respectfully requested.

16 Also MR. PRESIDENT:

17 I have the honor to return herewith **SB 29** which has passed the House without change.

18 Respectfully,
19 Patricia Miller, Chief Clerk

20 **MOTIONS AND RESOLUTIONS**

21 Sen. Cammack moved that **SB 40 and 83, and HB 1027** be deferred to Monday, January 31,
22 2022, the 13th legislative day.

23 Which motion prevailed.

24 **CONSIDERATION OF REPORTS OF COMMITTEES**

25 Sen. Cammack moved that the report of the Standing Committee on

26 Transportation on **SB 87** as found on page 112 of the Senate Journal be adopted.

27 Which motion prevailed and the report was adopted.

1

CONSIDERATION OF EXECUTIVE APPOINTMENTS

2

The Senate proceeded to the consideration of the executive appointment of Joel Jundt of Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Transportation.

3

4

The question being "Does the Senate advise and consent to the executive appointment of Joel Jundt pursuant to the executive message as found on page 74 of the Senate Journal?"

5

And the roll being called:

6

Yeas 33, Nays 0, Excused 2, Absent 0

7

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Brock Greenfield, Heinert, Hunhoff, Johns, 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: Frye-Mueller and David Johnson

14

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

15

16

The Senate proceeded to the consideration of the executive appointment of Kevin Robling of Hughes County, Pierre, South Dakota, to the position of Secretary of Game, Fish and Parks.

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18

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

19

20

And the roll being called:

21

Yeas 33, Nays 0, Excused 2, Absent 0

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

26

Excused: Frye-Mueller and David Johnson

27

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

28

29

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

30

SB 128: FOR AN ACT ENTITLED, An Act to increase the penalty for neglect, abandonment, and mistreatment of animals.

31

32

Introduced by: **Senator** Johns

33

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

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- 1 **SB 140:** FOR AN ACT ENTITLED, An Act to recognize hair discrimination as an unfair or
2 discriminatory practice.
- 3 Introduced by: **Senator** Nesiba
- 4 **SB 145:** FOR AN ACT ENTITLED, An Act to provide protections and workplace safety for meat
5 and poultry processing workers.
- 6 Introduced by: **Senator** Nesiba
- 7 **SB 148:** FOR AN ACT ENTITLED, An Act to revise annuity sales standards.
- 8 Introduced by: **Senator** Crabtree
- 9 **SB 152:** FOR AN ACT ENTITLED, An Act to provide for ticket-in, ticket-out video lottery.
- 10 Introduced by: **Senator** Rohl
- 11 **SB 153:** FOR AN ACT ENTITLED, An Act to prohibit vehicle dealers from purchasing vehicles
12 at public auctions.
- 13 Introduced by: **Senator** Heinert
- 14 **SB 156:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding census estimates
15 for the purposes of off-sale and on-sale liquor licenses.
- 16 Introduced by: **Senator** Wheeler
- 17 **SB 160:** FOR AN ACT ENTITLED, An Act to exempt motor vehicle service contracts from the
18 insurance code.
- 19 Introduced by: **Senator** Wheeler
- 20 **SB 161:** FOR AN ACT ENTITLED, An Act to provide housing opportunities.
- 21 Introduced by: **Senator** Foster
- 22 **SB 162:** FOR AN ACT ENTITLED, An Act to revise the discretionary formula for reduced
23 taxation of new structures and residential property.
- 24 Introduced by: **Senator** Crabtree
- 25 Were read the first time and referred to the Committee on Commerce and Energy.
- 26 **SB 131:** FOR AN ACT ENTITLED, An Act to establish a formula for distributing general funds
27 to Board of Regents universities.
- 28 Introduced by: **Senator** Maher
- 29 **SB 132:** FOR AN ACT ENTITLED, An Act to make an appropriation for multi-media lab
30 equipment at Black Hills State University and to declare an emergency.
- 31 Introduced by: **Senator** Maher

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

4 Introduced by: **Senator** Maher

5 **SB 139:** FOR AN ACT ENTITLED, An Act to provide for the creation and funding of Oceti
6 Sakowin community-based schools.

7 Introduced by: **Senator** Heinert

8 **SB 154:** FOR AN ACT ENTITLED, An Act to revise criteria for the South Dakota freedom
9 scholarship.

10 Introduced by: **Senator** Breitling

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

13 Introduced by: **Senator** Wheeler

14 Were read the first time and referred to the Committee on Education.

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

16 Introduced by: **Senator** Tobin

17 **SB 136:** FOR AN ACT ENTITLED, An Act to revise and clarify certain processes for emergency
18 detainment related to drug and alcohol abuse.

19 Introduced by: **Senator** Steinhauer

20 **SB 147:** FOR AN ACT ENTITLED, An Act to authorize the construction and operation of a
21 nursing facility in Lyman County and to declare an emergency.

22 Introduced by: **Senator** Heinert

23 **SB 149:** FOR AN ACT ENTITLED, An Act to establish a restaurant meals program as part of
24 the supplemental nutrition assistance program.

25 Introduced by: **Senator** Castleberry

26 **SB 155:** FOR AN ACT ENTITLED, An Act to create the families first grant program and to make
27 an appropriation therefor.

28 Introduced by: **Senator** Kolbeck

29 **SB 163:** FOR AN ACT ENTITLED, An Act to address transparency in prescription drug pricing.

30 Introduced by: **Senator** Diedrich

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

32 **SB 135:** FOR AN ACT ENTITLED, An Act to revise provisions regarding agritourism liability.

33 Introduced by: **Senator** Wiik

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- 1 **SB 137:** FOR AN ACT ENTITLED, An Act to establish gestational surrogacy arrangements and
2 agreements.
- 3 Introduced by: **Senator** Brock Greenfield
- 4 **SB 150:** FOR AN ACT ENTITLED, An Act to establish criteria regarding marijuana.
- 5 Introduced by: **Senator** Brock Greenfield
- 6 **SB 151:** FOR AN ACT ENTITLED, An Act to revise the automatic removal of certain convictions
7 from a background check record.
- 8 Introduced by: **Senator** Rohl
- 9 **SB 158:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the liability of owner or
10 caretaker of an impounded animal.
- 11 Introduced by: **Senator** Johns
- 12 **SB 159:** FOR AN ACT ENTITLED, An Act to exempt any person suffering from a severe mental
13 illness from capital punishment.
- 14 Introduced by: **Senator** Johns
- 15 **SB 164:** FOR AN ACT ENTITLED, An Act to clarify the requirements for the execution of a living
16 will declaration.
- 17 Introduced by: **Senator** Diedrich
- 18 Were read the first time and referred to the Committee on Judiciary.
- 19 **SB 125:** FOR AN ACT ENTITLED, An Act to establish the transfer of a motor vehicle upon death.
- 20 Introduced by: **Senator** Herman Otten
- 21 **SB 127:** FOR AN ACT ENTITLED, An Act to establish the transfer of a boat upon death.
- 22 Introduced by: **Senator** Herman Otten
- 23 **SB 138:** FOR AN ACT ENTITLED, An Act to clarify provisions related to filing a petition to refer
24 an ordinance or resolution.
- 25 Introduced by: **Senator** Duhamel
- 26 Were read the first time and referred to the Committee on Local Government.
- 27 **SB 141:** FOR AN ACT ENTITLED, An Act to establish provisions for the South Dakota
28 Retirement System.
- 29 Introduced by: **Senator** Cammack
- 30 Was read the first time and referred to the Committee on Retirement Laws.

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

3 Introduced by: **Senator** Herman Otten

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

7 Introduced by: **Senator** Crabtree

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

9 Introduced by: **Senator** Cammack

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

11 Introduced by: **Senator** Cammack

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

13 Introduced by: **Senator** Cammack

14 **SB 146:** FOR AN ACT ENTITLED, An Act to create the Office of Ombudsman for State
15 Employees.

16 Introduced by: **Senator** Nesiba

17 **SJR 503:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
18 election an amendment to the Constitution of the State of South Dakota to increase the maximum
19 number of members of the South Dakota Legislature.

20 Introduced by: **Senator** Heinert

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

22 **SB 157:** FOR AN ACT ENTITLED, An Act to exempt the sale of certain goods related to
23 information technology from a gross receipts tax.

24 Introduced by: **Senator** Wheeler

25 **SB 165:** FOR AN ACT ENTITLED, An Act to exempt gross receipts of amateur baseball coaches
26 from certain gross receipts taxes.

27 Introduced by: **Senator** Klumb

28 **SB 166:** FOR AN ACT ENTITLED, An Act to reduce the rate of gross receipts tax on certain
29 food.

30 Introduced by: **Senator** Nesiba

31 Were read the first time and referred to the Committee on Taxation.

1 **SB 129:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the right-of-way of
2 vehicles at an intersection.

3 Introduced by: **Senator** Bolin

4 Was read the first time and referred to the Committee on Transportation.

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

6 **HB 1050:** FOR AN ACT ENTITLED, An Act to repeal obsolete lease requirements for the Black
7 Hills Playhouse.

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

9 **HB 1080:** FOR AN ACT ENTITLED, An Act to prolong requirements for increasing teacher
10 compensation.

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

12 **HB 1106:** FOR AN ACT ENTITLED, An Act to provide for the security and privacy of certain
13 personally identifiable information for judicial officers and to declare an emergency.

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

15 **HB 1010:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue
16 Code.

17 **HB 1011:** FOR AN ACT ENTITLED, An Act to revise the application process for the reduction
18 of tax on dwellings owned by paraplegics.

19 Were read the first time and referred to the Committee on Taxation.

20 **SECOND READING OF CONSENT CALENDAR ITEMS**

21 **HB 1003:** FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
22 regulations.

23 Was read the second time.

24 The question being "Shall **HB 1003** pass?"

25 And the roll being called:

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

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

31 Excused: Frye-Mueller and David Johnson

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

3 **SIGNING OF BILLS**

4 The President publicly read the title to

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

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

8 **COMMEMORATIONS**

9 **SC 804:** A LEGISLATIVE COMMEMORATION, Commending the South Dakota Air National
10 Guard's 114th Fighter Wing of Sioux Falls for being awarded the Distinguished Flying Unit Plaque
11 and the United States Air Force Outstanding Unit Award.

12 Introduced by: **Senators** Stalzer, Castleberry, Crabtree, Duvall, Brock Greenfield, Heinert,
13 Hunhoff, Nesiba, Herman Otten, Rusch, Schoenbeck, Schoenfish, Steinhauer, Symens, Tobin, Wiik,
14 and Zikmund and **Representatives** Willadsen, Anderson, Aylward, Bartels, Barthel, Blare, Duba,
15 Gross, Haugaard, Hoffman, Chris Johnson, Koth, Mortenson, Mulally, Odenbach, Olson, Overweg,
16 Perry, Pischke, Pourier, Reed, and Wiese

17 Sen. Wiik moved that the Senate do now adjourn, which motion prevailed and at 1:31 p.m.
18 the Senate adjourned.

19 Kay Johnson, Secretary

