

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

---

THIRTEENTH DAY

---

STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, January 31, 2022

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

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate pages Victoria Larson and Gwyn Nickels.

Roll Call: All members present except Sen. Curd 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 12th 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 Military and Veterans Affairs respectfully reports that it has had  
4 under consideration **SB 41** and returns the same with the recommendation that said bill be amended  
5 as follows:

6 41A

7 On page 1, line 2, of the Introduced bill, after "Falls," insert " for the purchase and exchange  
8 of property between the state and the "

9 On page 1, line 2, of the Introduced bill, after "Falls," insert "Sioux Falls Development  
10 Foundation"

11 On page 1, line 2, of the Introduced bill, after "Falls," insert the comma

12 On page 1, line 6, of the Introduced bill, delete " \$1,000,000" and insert " \$5,685,920"

13 On page 1, line 6, of the Introduced bill, delete " \$15,000,000" and insert " \$16,291,974"

14 On page 1, line 8, of the Introduced bill, after "Falls" insert ", and to authorize and support  
15 activities related to the following property exchange:

16 (1) An approximately 32. 9"

17 On page 1, line 8, of the Introduced bill, after "Falls" insert "6"

18 On page 1, line 8, of the Introduced bill, after "Falls" insert "-acre parcel located on East Benson  
19 Road and North Sycamore Avenue in Sioux Falls that is currently owned by the state, with the  
20 following description: Tract 3 less the western most five (5) acres of said Tract, and all of Tract 4,  
21 Knabach Addition to the City of Sioux Falls, located in the SE1/4 of Section 35, T102N-R49W of the  
22 5th P. M. , City of Sioux Falls, Minnehaha County, South Dakota; and

23 (2) An approximately 38. 8"

24 On page 1, line 8, of the Introduced bill, after "Falls" insert "8"

25 On page 1, line 8, of the Introduced bill, after "Falls" insert "-acre parcel located on the future  
26 North Bahnson Avenue Road in Sioux Falls that is currently owned by the Sioux Falls Development  
27 Foundation, with the following description: Tract 3 (excepting Lot H-1), East Benson Addition to the  
28 City of Sioux Falls; a portion of an unplatted parcel of land described as the Northwest ¼ (Except  
29 H1, Lot H2, Lacey's Tract 2, Lacey's Addition, Lacey's 2nd Addition and Runge's Addition); and a  
30 portion of an unplatted parcel of land described as the West ½ of the Southwest 1/4 (excepting Lot  
31 H1, Lot H2 and Sioux Empire Development Park 8 Addition), all located in Section 35, Township 102  
32 North, Range 49 West of the 5th P. M. City of Sioux Falls, Minnehaha Count, South Dakota"

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

35 Also MR. PRESIDENT:

36 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had  
37 under consideration **SB 48** and returns the same with the recommendation that said bill be referred  
38 to the Joint Committee on Appropriations with a Do Pass recommendation.

1 Also MR. PRESIDENT:

2 The Committee on Senate Military and Veterans Affairs respectfully reports that it has had  
3 under consideration **SB 63** and returns the same with the recommendation that said bill be referred  
4 to the Joint Committee on Appropriations with a Do Pass recommendation.

5 Respectfully submitted,  
6 David Johnson, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Taxation respectfully reports that it has had under consideration  
9 **SB 98** and returns the same with the recommendation that said bill be amended as follows:

10 98A

11 On page 1, line 11, of the Introduced bill, delete "Federal excise taxes on sports wagers are  
12 not included in the gross proceeds" and insert "The federal excise tax on sports wagers imposed by  
13 26 U.S.C § 4401 (1982) is a deduction from the adjusted gross proceeds"

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

16 Respectfully submitted,  
17 Timothy R. Johns, Chair

18 MR. PRESIDENT:

19 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
20 **HB 1025** and returns the same with the recommendation that said bill do pass.

21 Also MR. PRESIDENT:

22 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
23 **HB 1002, 1009, and 1063** and returns the same with the recommendation that said bills do pass,  
24 and having been certified as uncontested, be placed on the consent calendar.

25 Respectfully submitted,  
26 Gary L. Cammack, Chair

27 MR. PRESIDENT:

28 The Committee on Senate Health and Human Services respectfully reports that it has had  
29 under consideration **SB 86 and 93** and returns the same with the recommendation that said bills  
30 do pass, and having been certified as uncontested, be placed on the consent calendar.

31 Respectfully submitted,  
32 Wayne H. Steinhauer, Chair

1 MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
3 Enrolling has carefully compared **SB 29 and 47** and finds the same correctly enrolled.

4 Respectfully submitted,  
5 Lee A. Schoenbeck, Chair

6 MR. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that **SB 45** was delivered to her  
8 Excellency, the Governor, for her approval at 2:35 p.m., January 27, 2022.

9 Respectfully submitted,  
10 Lee A. Schoenbeck, Chair

11 **MESSAGES FROM THE HOUSE**

12 MR. PRESIDENT:

13 I have the honor to return herewith **SB 47** which has passed the House without change.

14 Also MR. PRESIDENT:

15 I have the honor to transmit herewith **HB 1078, 1085, and 1102** which have passed the  
16 House and your favorable consideration is respectfully requested.

17 Respectfully,  
18 Patricia Miller, Chief Clerk

19 **MOTIONS AND RESOLUTIONS**

20 Sen. Cammack moved that the consideration of the executive appointments of Jeffrey  
21 Partridge, Timothy Rave, and Tonnis H. Venhuizen to the State Board of Regents be deferred to  
22 Thursday, February 3, 2022, the 16<sup>th</sup> legislative day.

23 Which motion prevailed.

24 Sen. Cammack moved that **SB 6 and 24** be deferred to Thursday, February 3, 2022, the 16<sup>th</sup>  
25 legislative day.

26 Which motion prevailed.

1

---

**CONSIDERATION OF REPORTS OF COMMITTEES**

2

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

3

Education on **SB 97** as found on page 125 of the Senate Journal; also

4

Health and Human Services on **HB 1028** as found on page 124 of the Senate Journal; and

5

Judiciary on **HB 1068** as found on page 124 of the Senate Journal be adopted.

6

Which motion prevailed and the reports were adopted.

7

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

8

The President declared that **SB 100** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

9

10

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

11

12

Introduced by: **Senator** David Johnson

13

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

14

**SB 171:** FOR AN ACT ENTITLED, An Act to prohibit health insurance policies from restricting the method of payment for dental care.

15

16

Introduced by: **Senator** Stalzer

17

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

18

**SB 169:** FOR AN ACT ENTITLED, An Act to establish a means for certain Department of Corrections inmates to earn credit against fines or costs ordered by the sentencing court.

19

20

Introduced by: **Senator** Rusch

21

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

22

**SB 168:** FOR AN ACT ENTITLED, An Act to provide public access to abandoned cemeteries.

23

Introduced by: **Senator** Schoenfish

24

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

25

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

26

**HB 1102:** FOR AN ACT ENTITLED, An Act to reduce the exempt commercial policyholder aggregate premium requirement.

27

28

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

1 **HB 1085:** FOR AN ACT ENTITLED, An Act to expand the eligibility for a small estate probate.

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

3 **HB 1078:** FOR AN ACT ENTITLED, An Act to authorize the use of electric all-terrain and off-  
4 road vehicles on public highways.

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

6 **SECOND READING OF CONSENT CALENDAR ITEMS**

7 Sen. Heinert requested that **HB 1036** be removed from the Consent Calendar.

8 **SB 87:** FOR AN ACT ENTITLED, An Act to update the South Dakota Coordinate System to  
9 conform to national standards.

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

12 **SCR 601:** A CONCURRENT RESOLUTION, expressing support for the 2021 South Dakota  
13 Coordinated Plan for Natural Resources Conservation.

14 Were read the second time.

15 The question being "Shall **SB 87** pass as amended, and **SB 88** pass, and **SCR 601** be  
16 concurred in?"

17 And the roll being called:

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

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

23 Excused: Curd

24 So the bills and resolution having received an affirmative vote of a majority of the members-  
25 elect, the President declared the bills passed and the resolution concurred in and the titles were  
26 agreed to.

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

28 **SB 40:** FOR AN ACT ENTITLED, An Act to establish safety standards regarding biogas gathering  
29 lines.

30 Was read the second time.

1 The question being "Shall **SB 40** pass as amended?"

2 And the roll being called:

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

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

8 Excused: Curd

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 **SB 83**: FOR AN ACT ENTITLED, An Act to modify when a motion for expungement of an arrest  
12 record may be made and to declare an emergency.

13 Was read the second time.

14 The question being "Shall **SB 83** pass as amended?"

15 And the roll being called:

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

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

21 Excused: Curd

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

24 **SB 56**: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South Dakota  
25 Retirement System.

26 Was read the second time.

27 The question being "Shall **SB 56** pass?"

28 And the roll being called:

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

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

34 Excused: Curd

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

1 **SB 57**: FOR AN ACT ENTITLED, An Act to add gaming enforcement agents to Class B  
2 membership of the South Dakota Retirement System.

3 Was read the second time.

4 The question being "Shall **SB 57** pass?"

5 And the roll being called:

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

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

11 Excused: Curd

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

14 **SB 95**: FOR AN ACT ENTITLED, An Act to revise provisions regarding the Teacher  
15 Compensation Review Board.

16 Was read the second time.

17 The question being "Shall **SB 95** pass?"

18 And the roll being called:

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

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

24 Excused: Curd

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

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

28 **HB 1027**: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled  
29 substances schedule and to declare an emergency.

30 Was read the second time.

31 The question being "Shall **HB 1027** pass?"

32 And the roll being called:

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



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

5 Excused: Curd

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

8 **HB 1046:** FOR AN ACT ENTITLED, An Act to revise the disposal fee for large-scale solid waste  
9 disposal facilities operated by political subdivisions.

10 Was read the second time.

11 The question being "Shall **HB 1046** pass?"

12 And the roll being called:

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

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

18 Excused: Curd

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

21 **SIGNING OF BILLS**

22 The President publicly read the title to

23 **SB 29:** FOR AN ACT ENTITLED, An Act to authorize highway maintenance vehicles to operate  
24 at less than the posted minimum speed on interstate highways.

25 **SB 47:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money  
26 transmission.

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

28 Sen. Stalzer moved that the Senate do now adjourn, which motion prevailed and at 3:02 p.m.  
29 the Senate adjourned.

30

Kay Johnson, Secretary

