

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 10, 2022

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

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

Roll Call: All members present except Sens. Nesiba, Novstrup, and Schoenbeck who were 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 20th 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 February 9, 2022

3 The Honorable Larry Rhoden
4 President of the Senate
5 500 East Capitol Avenue
6 Pierre, SD 57501

7 Dear Mr. President and Members of the Senate,

8 I respectfully return to you Senate Bill 76 with my VETO. Senate Bill 76 is an Act to revise
9 certain provisions regarding the minimum amount of a lottery prize that is subject to setoff.

10 When the Lottery was created, a debt setoff system was established where debts could be
11 deducted by the amount won by a winning lottery ticket. Some of those debts are past due child
12 support payments. While this bill may appear harmless, increasing the setoff amount will have
13 consequences on families and helps people avoid their obligations.

14 In the last two years, 44 prizes from winning lottery tickets were under \$599 and helped pay
15 past due child support obligations. This resulted in South Dakota families receiving resources that
16 were due to them. Under this legislation, those families may not have received that support to buy
17 essentials.

18 While I support the current law for efficiency purposes, increasing that amount automatically
19 paid to \$599 goes too far. South Dakota must stand as an example for the rest of the country that
20 we put the well-being of our children before convenience. Our focus must be on leading for South
21 Dakota's next generation.

22 For these reasons, I oppose Senate Bill 76 and ask that you sustain my veto.

23 Respectfully submitted,
24 Kristi Noem
25 Governor

26 February 10, 2022

27 Mr. President and Members of the Senate:

28 I have the honor to inform you that on February 9, 2022, I approved Senate Bills 28, 35, 36,
29 38, 39, 71, 74, and 80, and the same have been deposited in the office of the Secretary of State.

30 Respectfully submitted,
31 Kristi Noem
32 Governor

33

REPORTS OF STANDING COMMITTEES

34 MR. PRESIDENT:

35 The Committee on Senate Health and Human Services respectfully reports that it has had
36 under consideration **SB 134** and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had
3 under consideration **SB 136** and returns the same with the recommendation that said bill do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Senate Health and Human Services respectfully reports that it has had
7 under consideration **SB 174** and returns the same with the recommendation that said bill be
8 referred to the Joint Committee on Appropriations with a Do Pass recommendation.

9 Also MR. PRESIDENT:

10 The Committee on Senate Health and Human Services respectfully reports that it has had
11 under consideration **SB 155** and returns the same with the recommendation that said bill be
12 referred to the Joint Committee on Appropriations with a Do Pass recommendation.

13 Respectfully submitted,
14 Wayne H. Steinhauer, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Education respectfully reports that it has had under consideration
17 **SB 154** and returns the same with the recommendation that said bill do pass, and having been
18 certified as uncontested, be placed on the consent calendar.

19 Respectfully submitted,
20 R. Blake Curd, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Judiciary respectfully reports that it has had under consideration
23 **SB 173** and returns the same with the recommendation that said bill be amended as follows:

24 173A

25 On page 1, line 7, of the Introduced bill, after "or" delete " photogenic"

26 On page 1, line 7, of the Introduced bill, after "photogenic " insert "photographic "

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

28 Also MR. PRESIDENT:

29 The Committee on Senate Judiciary respectfully reports that it has had under consideration
30 **SB 207** and returns the same with the recommendation that said bill be amended as follows:

31 207A

32 On page 2, line 27, of the Introduced bill, after "interrogated" delete " but shall inform the
33 individual that an electronic recording is being made of the interrogation"

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

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
3 nomination of Kenneth D. Albers of Lincoln County, Canton, South Dakota, to the Board of Pardons
4 and Paroles and returns the same with the recommendation that the Senate advise and consent to
5 the confirmation of said reappointment.

6 Respectfully submitted,
7 Arthur Rusch, Chair

8 MR. PRESIDENT:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
10 Enrolling has carefully compared **SB 13, 18, 87, and 88** and finds the same correctly enrolled.

11 Respectfully submitted,
12 Lee A. Schoenbeck, Chair

13 **MESSAGES FROM THE HOUSE**

14 MR. PRESIDENT:

15 I have the honor to transmit herewith **HB 1099, 1100, 1119, 1195, 1197, 1198, 1268,**
16 **1286, and 1319** which have passed the House and your favorable consideration is respectfully
17 requested.

18 Also MR. PRESIDENT:

19 I have the honor to return herewith **SB 13, 18, 87, and 88** which have passed the House
20 without change.

21 Also MR. PRESIDENT:

22 I have the honor to return herewith **SCR 601** in which the House has concurred.

23 Respectfully,
24 Patricia Miller, Chief Clerk

25 **MOTIONS AND RESOLUTIONS**

26 Sen. Cammack moved that **SB 65, 104, 118, 137, 165, and 211** be deferred to Monday,
27 February 14, 2022, the 22nd legislative day.

28 Which motion prevailed.

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CONSIDERATION OF REPORTS OF COMMITTEES

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

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Transportation on **SB 115** as found on page 219 of the Senate Journal and **SB 176** as found on page 220 of the Senate Journal; and

5

Taxation on **SB 157** as found on page 220 of the Senate Journal be adopted.

6

Which motion prevailed and the reports were adopted.

7

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

8

9

HB 1119: FOR AN ACT ENTITLED, An Act to revise the general state aid formula to provide adjustment for alternative education students participating in interscholastic activities.

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HB 1195: FOR AN ACT ENTITLED, An Act to direct the Indian Education Advisory Council to make an annual report to the Governor and the State-Tribal Relations Committee.

12

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

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

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

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HB 1268: FOR AN ACT ENTITLED, An Act to revise provisions related to name changes when obtaining a marriage license.

19

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

20

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HB 1286: FOR AN ACT ENTITLED, An Act to permit municipalities to contribute more to the cost of insurance provided to certain officers or retired employees.

22

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

23

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HB 1198: FOR AN ACT ENTITLED, An Act to require display of the state motto or the state seal in public schools.

25

26

HB 1319: FOR AN ACT ENTITLED, An Act to prohibit contributions from federal campaign committees.

27

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

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29

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

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

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SECOND READING OF CONSENT CALENDAR ITEMS

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

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HB 1075: FOR AN ACT ENTITLED, An Act to modify legal and official notice publication requirements.

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

7

Were read the second time.

8

The question being "Shall **SB 171** pass as amended, and **HB 1075 and 1085** pass?"

9

And the roll being called:

10

Yeas 32, Nays 0, Excused 3, Absent 0

11

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

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Excused: Nesiba, Novstrup, and Schoenbeck

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

17

18

SIGNING OF BILLS

19

The President publicly read the title to

20

SB 13: FOR AN ACT ENTITLED, An Act to repeal provisions permitting certain documents to serve as temporary registry identification cards for medical cannabis.

21

22

SB 18: FOR AN ACT ENTITLED, An Act to revise rulemaking authority related to medical cannabis.

23

24

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

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26

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

27

28

And signed the same in the presence of the Senate.

29

Sen. Symens moved that the Senate do now adjourn, which motion prevailed and at 1:26 p.m. the Senate adjourned.

30

31

Kay Johnson, Secretary