

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 25, 2022

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

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Katherine Mickelson.

Roll Call: All members present except Sens. Foster, Frye-Mueller, Nesiba, V. J. Smith, Symens, and Tobin 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 28th 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.

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COMMUNICATIONS AND PETITIONS

February 16, 2022

The Honorable Larry Rhoden
President of the Senate
State Capitol
Pierre, SD 57501

Dear President and Members of the Senate:

Pursuant to the provisions of Chapter Article IV, Section 9, of the Constitution, and subject to your consent, I have the honor to inform you that I have appointed Kellie Wasko, of Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Corrections.

This appointment is effective March 7, 2022.

Sincerely,
Kristi Noem
Governor

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1099** and returns the same with the recommendation that said bill be amended as follows:

1099C

On page 1, line 6, of the House Judiciary Engrossed bill, delete "eighteen " and insert " sixteen "

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1100** and returns the same with the recommendation that said bill be amended as follows:

1100B

On page 1, line 5, of the House Judiciary Engrossed bill, after "than" delete " eighteen"

On page 1, line 5, of the House Judiciary Engrossed bill, after "eighteen " insert "sixteen "

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1176** and returns the same with the recommendation that said bill be amended as follows:

1

1176C

2 On page 1, line 21, of the House Judiciary Engrossed bill, after "wildlife;

3 (h)" delete "Animals of other campers or visitors that cause injury, unless the private
4 campground owner or an employee or officer of the private campground owner has accepted
5 responsibility for care of the animal;

6 (i)"

7 On page 2, line 1, of the House Judiciary Engrossed bill, delete "(j)" and insert "(i)"

8 On page 2, line 4, of the House Judiciary Engrossed bill, delete "(k)" and insert "(j)"

9 On page 2, line 6, of the House Judiciary Engrossed bill, delete "(l)" and insert "(k)"

10 On page 2, line 8, of the House Judiciary Engrossed bill, delete "(m)" and insert "(l)"

11 On page 2, line 11, of the House Judiciary Engrossed bill, delete "(n)" and insert "(m)"

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

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration
15 **HB 1110** and returns the same with the recommendation that said bill do pass.

16 Also MR. PRESIDENT:

17 The Committee on Senate Judiciary respectfully reports that it has had under consideration
18 **HB 1115** and returns the same with the recommendation that said bill do pass, and having been
19 certified as uncontested, be placed on the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Senate Judiciary respectfully reports that it has had under consideration
22 **HB 1213 and 1246** which were deferred to the 41st Legislative Day.

23 Respectfully submitted,
24 Arthur Rusch, Chair

25 MR. PRESIDENT:

26 The Senate Committee on Appropriations respectfully reports that it has had under
27 consideration **HB 1014** and returns the same with the recommendation that said bill be amended
28 as follows:

29 1014E

30 On page 1, after line 16, of the Introduced bill, insert: "

31 **Section 5. That § 10-18A-5 be AMENDED:**

32 **10-18A-5.** The amount of refund of real property taxes due or paid for a single-member
33 household made pursuant to this chapter shall be according to the following schedule:

34 The refund of real
35 If household income is

1	property taxes due	
2	more than:	
3	but <u>not more less</u> than	
4	or paid shall be	
5	\$ 0	
6		<u>\$7,028</u> \$6,630
7		35%
8	<u>7,029</u> 6,631	
9		<u>7,303</u> 6,890
10		34%
11	<u>7,304</u> 6,891	
12		<u>7,579</u> 7,150
13		33%
14	<u>7,580</u> 7,151	
15		<u>7,855</u> 7,410
16		32%
17	<u>7,856</u> 7,411	
18		<u>8,130</u> 7,670
19		31%
20	<u>8,131</u> 7,671	
21		<u>8,406</u> 7,930
22		30%
23	<u>8,407</u> 7,931	
24		<u>8,681</u> 8,190
25		29%
26	<u>8,682</u> 8,191	
27		<u>8,957</u> 8,450
28		28%
29	<u>8,958</u> 8,451	
30		<u>9,233</u> 8,710
31		27%
32	<u>9,234</u> 8,711	
33		<u>9,508</u> 8,970
34		26%
35	<u>9,509</u> 8,971	
36		<u>9,784</u> 9,230
37		25%
38	<u>9,785</u> 9,231	
39		<u>10,059</u> 9,490
40		24%
41	<u>10,060</u> 9,491	
42		<u>10,335</u> 9,750
43		23%
44	<u>10,336</u> 9,751	
45		<u>10,611</u> 10,010
46		22%
47	<u>10,612</u> 10,011	
48		<u>10,886</u> 10,270
49		21%

1	10,887 10,271	
2		11,162 10,530
3		20%
4	11,163 10,531	
5		11,437 10,790
6		19%
7	11,438 10,791	
8		11,713 11,050
9		18%
10	11,714 11,051	
11		11,989 11,310
12		17%
13	11,990 11,311	
14		12,264 11,570
15		16%
16	12,265 11,571	
17		12,540 11,830
18		15%
19	12,541 11,831	
20		12,815 12,090
21		14%
22	12,816 12,091	
23		13,091 12,350
24		13%
25	13,092 12,351	
26		13,367 12,610
27		12%
28	13,368 12,611	
29		13,653 12,880
30		11%
31	over 13,653 12,880	
32		No refund
33	"	

34 On page 1, after line 16, of the Introduced bill, insert: "

35 **Section 6. That § 10-18A-6 be AMENDED:**

36 **10-18A-6.** The amount of refund of real property taxes due or paid for a multiple-member
 37 household made pursuant to this chapter shall be according to the following schedule:

38 The refund of real
 39 If household income is
 40 property taxes due
 41 more than:
 42 but not more than
 43 or paid shall be
 44 \$ 0

45 ~~\$11,575~~~~\$10,920~~
 46 55%

1	<u>11,576</u> 10,921	
2		<u>11,958</u> 11,281
3		53%
4	<u>11,959</u> 11,282	
5		<u>12,341</u> 11,642
6		51%
7	<u>12,342</u> 11,643	
8		<u>12,723</u> 12,003
9		49%
10	<u>12,724</u> 12,004	
11		<u>13,106</u> 12,364
12		47%
13	<u>13,107</u> 12,365	
14		<u>13,489</u> 12,725
15		45%
16	<u>13,490</u> 12,726	
17		<u>13,871</u> 13,086
18		43%
19	<u>13,872</u> 13,087	
20		<u>14,254</u> 13,447
21		41%
22	<u>14,255</u> 13,448	
23		<u>14,636</u> 13,808
24		39%
25	<u>14,637</u> 13,809	
26		<u>15,019</u> 14,169
27		37%
28	<u>15,020</u> 14,170	
29		<u>15,402</u> 14,530
30		35%
31	<u>15,403</u> 14,531	
32		<u>15,784</u> 14,891
33		33%
34	<u>15,785</u> 14,892	
35		<u>16,167</u> 15,252
36		31%
37	<u>16,168</u> 15,253	
38		<u>16,550</u> 15,613
39		29%
40	<u>16,551</u> 15,614	
41		<u>16,932</u> 15,974
42		27%
43	<u>16,933</u> 15,975	
44		<u>17,315</u> 16,335
45		25%
46	<u>17,316</u> 16,336	
47		<u>17,698</u> 16,696
48		23%
49	<u>17,699</u> 16,697	

1 18,080~~17,057~~
2 21%
3 18,081~~17,058~~
4 18,465~~17,420~~
5 19%
6 over 18,465~~17,420~~
7 No refund
8 "

9 On page 1, after line 16, of the Introduced bill, insert: "

10 **Section 7. That § 10-45A-5 be AMENDED:**

11 **10-45A-5.** The amount of any claim made pursuant to this chapter by a claimant from a
12 household consisting solely of one person shall be determined as follows:

(13) If the claimant's income is ~~six thousand six hundred thirty~~seven thousand twenty-eight dollars or
14 less, a sum of two hundred fifty-eight dollars;

(25) If the claimant's income is ~~six thousand six hundred thirty one dollar~~seven thousand twenty-nine
16 and not more than ~~twelve thousand eight hundred eighty~~thirteen thousand six hundred fifty-three
17 dollars, a sum of forty-six dollars plus three and four-tenths percent of the difference between ~~twelve~~
18 ~~thousand eight hundred eighty~~thirteen thousand six hundred fifty-three dollars and the income of
19 the claimant; and

(20) If the claimant's income is more than ~~twelve thousand eight hundred eighty~~thirteen thousand six
21 hundred fifty-three dollars, no refund."

22 On page 1, after line 16, of the Introduced bill, insert: "

23 **Section 8. That § 10-45A-6 be AMENDED:**

24 **10-45A-6.** The amount of any claim made pursuant to this chapter by a claimant from a
25 household consisting of more than one person shall be determined as follows:

(26) If household income is ~~ten thousand nine hundred twenty~~eleven thousand five hundred seventy-
27 five dollars or less, the sum of five hundred eighty-one dollars;

(28) If household income is ~~ten thousand nine hundred twenty one~~eleven thousand five hundred
29 seventy-six dollars and not more than ~~seventeen thousand four hundred twenty~~eighteen thousand
30 four hundred sixty-five dollars, a sum of seventy-four dollars plus seven and eight-tenths percent
31 of the difference between ~~seventeen thousand four hundred twenty~~eighteen thousand four hundred
32 sixty-five dollars and total household income; and

(33) If household income is more than ~~seventeen thousand four hundred twenty~~eighteen thousand four
34 hundred sixty-five dollars, no refund."

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

36 Also MR. PRESIDENT:

37 The Senate Committee on Appropriations respectfully reports that it has had under
38 consideration **HB 1021, 1022, 1023, and 1024** and returns the same with the recommendation
39 that said bills do pass.

40 Respectfully submitted,
41 Jean Hunhoff, Chair

1 MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **HB 1116, 1198, 1206, 1319, and 1327** which were deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Gary L. Cammack, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Local Government respectfully reports that it has had under
8 consideration **HB 1155** and returns the same with the recommendation that said bill do pass, and
9 having been certified as uncontested, be placed on the consent calendar.

10 Also MR. PRESIDENT:

11 The Committee on Senate Local Government respectfully reports that it has had under
12 consideration **HB 1255** which was deferred to the 41st Legislative Day.

13 Respectfully submitted,
14 Herman Otten, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Health and Human Services respectfully reports that it has had
17 under consideration **HB 1086, 1121, 1282, 1283, 1285, and 1292** and returns the same with
18 the recommendation that said bills do pass, and having been certified as uncontested, be placed on
19 the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Senate Health and Human Services respectfully reports that it has had
22 under consideration **HB 1098** which was deferred to the 41st Legislative Day.

23 Also MR. PRESIDENT:

24 The Committee on Senate Health and Human Services respectfully reports that it has had
25 under consideration **HB 1113** and returns the same with the recommendation that said bill be
26 referred to the Committee on Judiciary with a Do Pass recommendation.

27 Respectfully submitted,
28 Wayne H. Steinhauer, Chair

29 MR. PRESIDENT:

30 The Committee on Senate Taxation respectfully reports that it has had under consideration
31 **HB 1053** and returns the same with the recommendation that said bill do pass.

32 Also MR. PRESIDENT:

33 The Committee on Senate Taxation respectfully reports that it has had under consideration
34 **HB 1120 and 1197** and returns the same with the recommendation that said bills do pass, and
35 having been certified as uncontested, be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Taxation respectfully reports that it has had under consideration
3 **HB 1253** which was deferred to the 41st Legislative Day.

4 Also MR. PRESIDENT:

5 The Committee on Senate Taxation respectfully reports that it has had under consideration
6 **HB 1284** and returns the same with the recommendation that said bill be amended as follows:

7 1284D

8 On page 1, line 13, of the House Taxation Engrossed bill, delete "18,500" and insert "18,501"

9 On page 1, line 10, of the House Taxation Engrossed bill, delete "19,500" and insert "19,501"

10 On page 1, line 13, of the House Taxation Engrossed bill, delete "21,000" and insert "21,001"

11 On page 1, line 12, of the House Taxation Engrossed bill, after "18,730" insert "over "

12 On page 2, line 1, of the House Taxation Engrossed bill, delete "14,000" and insert "14,001"

13 On page 2, line 3, of the House Taxation Engrossed bill, delete "15,000" and insert "15,001"

14 On page 2, line 2, of the House Taxation Engrossed bill, delete "17,000" and insert "17,001"

15 On page 2, line 3, of the House Taxation Engrossed bill, after "14,670" insert "over "

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

18 Respectfully submitted,
19 Timothy R. Johns, Chair

20 MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
22 Enrolling has carefully compared **SB 1, 2, 6, 7, 15, 17, 68, 101, and 148** and finds the same
23 correctly enrolled.

24 Respectfully submitted,
25 Lee A. Schoenbeck, Chair

26 **MESSAGES FROM THE HOUSE**

27 MR. PRESIDENT:

28 I have the honor to return herewith **SB 1, 2, 6, 7, 15, 17, 68, 101, and 148** which have
29 passed the House without change.

30 Also MR. PRESIDENT:

31 I have the honor to transmit herewith **HB 1047** which has passed the House and your favorable
32 consideration is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that **SB 184** was lost on second reading and
3 final passage.

4 Respectfully,
5 Patricia Miller, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 Sen. Duvall moved that the Senate do concur in House amendments to **SB 176**.

8 The question being on Sen. Duvall's motion that the Senate do concur in House amendments
9 to **SB 176**.

10 And the roll being called:

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

12 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
13 Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup,
14 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Wheeler, Wiik,
15 and Zikmund

16 Excused: Foster, Frye-Mueller, Nesiba, V. J. Smith, Symens, and Tobin

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 President declared the motion carried and the amendments were concurred in.

19 Sen. Cammack moved that **SB 41, and HB 1016, 1017, 1020, 1030, 1034, 1041, 1177,**
20 **1300, and 1308** be deferred to Monday, February 28, 2022, the 30th legislative day.

21 Which motion prevailed.

22 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

24 Education on **HB 1119 and 1163** as found on page 376 of the Senate Journal; and

25 Commerce and Energy on **HB 1152** as found on page 377 of the Senate Journal be adopted.

26 Which motion prevailed and the reports were adopted.

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

28 **HB 1047:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
29 Education to improve and renovate the Cultural Heritage Center and to declare an emergency.

30 Was read the first time and the President waived the committee referral pursuant to JR 6D-1.

1

CONSIDERATION OF CONSENT EXECUTIVE REAPPOINTMENTS

2

The Senate proceeded to the consideration of the executive reappointments of James Breckenridge of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building Authority (SJ 202), and

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5

Steven Zellmer of Pennington County, Rapid City, South Dakota, to the South Dakota Building Authority (SJ 202), and

6

7

Jason Ahrendt of Lincoln County, Sioux Falls, South Dakota, to the South Dakota Lottery Commission (SJ 298), and

8

9

William Shorma of Union County, Dakota Dunes, South Dakota, to the South Dakota Lottery Commission (SJ 298).

10

11

The question being "Does the Senate advise and consent to the executive reappointments?"

12

And the roll being called:

13

Yeas 29, Nays 0, Excused 6, Absent 0

14

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Wheeler, Wiik, and Zikmund

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Excused: Foster, Frye-Mueller, Nesiba, V. J. Smith, Symens, and Tobin

19

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

20

21

SECOND READING OF CONSENT CALENDAR ITEMS

22

HB 1130: FOR AN ACT ENTITLED, An Act to specify taxation, authorization, and standards of practice for the sale of travel insurance.

23

24

HB 1153: FOR AN ACT ENTITLED, An Act to revise the number of class hours required to obtain a responsible broker's license.

25

26

HB 1169: FOR AN ACT ENTITLED, An Act to modify the licensing of barbers.

27

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.

28

29

HB 1196: FOR AN ACT ENTITLED, An Act to designate the traditional flute as the official indigenous musical instrument of South Dakota.

30

31

Were read the second time.

32

The question being "Shall **HB 1130, 1169, and 1196** pass as amended, and **HB 1153 and 1195** pass?"

33

1 And the roll being called:

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

3 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
4 Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup,
5 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Wheeler, Wiik,
6 and Zikmund

7 Excused: Foster, Frye-Mueller, Nesiba, V. J. Smith, Symens, and Tobin

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

10 **SIGNING OF BILLS**

11 The President publicly read the title to

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

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

15 **SB 6:** FOR AN ACT ENTITLED, An Act to revise provisions related to prohibited conduct by
16 schools and landlords related to medical cannabis.

17 **SB 7:** FOR AN ACT ENTITLED, An Act to revise provisions related to custody and visitation
18 rights by medical cannabis cardholders.

19 **SB 15:** FOR AN ACT ENTITLED, An Act to revise provisions providing that certain professions
20 are not subject to discipline for certain conduct relating to medical cannabis.

21 **SB 17:** FOR AN ACT ENTITLED, An Act to revise provisions regarding cost reimbursement
22 associated with medical cannabis.

23 **SB 68:** FOR AN ACT ENTITLED, An Act to revise holiday pay for state employees.

24 **SB 101:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the sale or service of
25 alcoholic beverages by persons under the age of twenty-one.

26 **SB 148:** FOR AN ACT ENTITLED, An Act to revise annuity sales standards.

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

28 **COMMEMORATIONS**

29 **SC 810:** A LEGISLATIVE COMMEMORATION, To honor and remember the life of Brandon Valley
30 High School teacher, coach, father, and husband, Chad Garrow.

31 Introduced by: **Senators** Sutton, Brock Greenfield, Hunhoff, David Johnson, Herman Otten,
32 Schoenbeck, Schoenfish, V. J. Smith, Wiik, and Zikmund and **Representatives** Bartels, Barthel,
33 Goodwin, Lana Greenfield, May, Perry, Kent Peterson, and Thomason

1 Sen. Hunhoff moved that the Senate do now adjourn, which motion prevailed and at 1:32 p.m.
2 the Senate adjourned.

3

Kay Johnson, Secretary

