

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

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THIRTY-SECOND DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, March 02, 2022

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

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate pages Kaira Stomprud and Michael Wagenaar.

Roll Call: All members present.

### **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 31st 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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**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1084** and returns the same with the recommendation that said bill be amended as follows:

1084B

On page 1, after line 16, of the House Local Government Engrossed bill, insert: "

**Section 3. That § 32-26-21.5 be AMENDED:**

**32-26-21.5.** A motorized foot scooter is exempt from the provisions of chapters 32-3, 32-5, 32-5A, 32-5B, 32-6B, 32-14, 32-15, 32-20, 32-35, 32-37, and 37-5."

And that as so amended, said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **HB 1174** and returns the same with the recommendation that said bill be amended as follows:

1174C

On page 1, line 1, of the House Transportation Engrossed bill, after "revise" delete " recordkeeping and payment"

On page 1, line 14, of the House Transportation Engrossed bill, after "including " insert "detached "

On page 1, line 24, of the House Transportation Engrossed bill, after "property" delete ", including a catalytic converter,"

On page 1, line 25, of the House Transportation Engrossed bill, after "dollars" insert ", provided that records of any transaction involving a detached catalytic converter must be kept regardless of purchase price"

On page 2, line 1, of the House Transportation Engrossed bill, after "property" delete ", including a catalytic converter,"

On page 2, line 11, of the House Transportation Engrossed bill, remove the overstrikes from "and"

On page 2, line 12, of the House Transportation Engrossed bill, after "transaction" delete "; and

(7) For a transaction involving a catalytic converter, the make and vehicle identification number of the motor vehicle from which the catalytic converter was obtained"

On page 2, line 17, of the House Transportation Engrossed bill, after "property" delete ", including a catalytic converter,"

On page 2, after line 19, of the House Transportation Engrossed bill, insert: "

**Section 4. That chapter 34A-6 be amended with a NEW SECTION:**

1 Only a scrap metal business with a valid state sales tax license may purchase a detached  
2 catalytic converter.

3 A person may not purchase, trade for, or pledge to buy a detached catalytic converter, or offer  
4 or advertise to purchase, trade for, or pledge to buy a detached catalytic converter, unless the  
5 person follows the requirements under §§ 34A-6-108 to 34A-6-112, inclusive."

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

7 Also MR. PRESIDENT:

8 The Committee on Senate Transportation respectfully reports that it has had under  
9 consideration **HB 1156** and returns the same with the recommendation that said bill do pass, and  
10 having been certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,  
12 Mary Duvall, Chair

13 MR. PRESIDENT:

14 The Senate Committee on Appropriations respectfully reports that it has had under  
15 consideration **HB 1210 and 1281** and returns the same with the recommendation that said bills  
16 do pass.

17 Also MR. PRESIDENT:

18 The Senate Committee on Appropriations respectfully reports that it has had under  
19 consideration **HB 1215** which was tabled.

20 Also MR. PRESIDENT:

21 The Senate Committee on Appropriations respectfully reports that it has had under  
22 consideration **HB 1166** and returns the same with the recommendation that said bill be amended  
23 as follows:

24 1166E

25 On page 1, line 4, of the House Transportation Engrossed bill, delete " \$1 to the Department  
26 of Transportation" and insert " \$665,440 and the sum of \$200,000 in other fund expenditure  
27 authority to the Department of Game, Fish, and Parks"

28 On page 1, line 5, of the House Transportation Engrossed bill, delete " making" and insert

29 On page 1, line 5, of the House Transportation Engrossed bill, after "making" delete "  
30 improvements to"

31 On page 1, line 5, of the House Transportation Engrossed bill, after "to " insert "providing a  
32 grant to improve "

33 On page 1, after line 7, of the House Transportation Engrossed bill, insert: "

34 **Section 2.** For the grant provided in section 1 of this Act, the department shall require from  
35 the grantee a matching amount of up to \$100,000 and a statement from the grantee to provide all  
36 future maintenance and repair for the project."

37 On page 1, line 8, of the House Transportation Engrossed bill, delete "Transportation " and  
38 insert "Game, Fish, and Parks "

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

2 Also MR. PRESIDENT:

3 The Senate Committee on Appropriations respectfully reports that it has had under  
4 consideration **HB 1306** and returns the same with the recommendation that said bill be amended  
5 as follows:

6 1306C

7 On page 1, line 4, of the House Appropriations Engrossed bill, delete "\$50,700,000," and insert  
8 "\$25,000,000,"

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

10 Respectfully submitted,  
11 Jean Hunhoff, Chair

12 MR. PRESIDENT:

13 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
14 **HB 1051** and returns the same with the recommendation that said bill do pass, and having been  
15 certified as uncontested, be placed on the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
18 **HB 1127** and returns the same with the recommendation that said bill be amended as follows:

19 1127A

20 On page 1, line 1, of the Introduced bill, delete "enhance South Dakota" and insert " modify  
21 provisions related to county redistricting and to declare an emergency"

22 On the Introduced bill, delete everything after the enacting clause and insert:

23 "

24 **Section 1. That § 7-8-10 be AMENDED:**

25 **7-8-10.** The board of county commissioners, at its regular meeting in ~~February~~ December of  
26 each year ending in the numeral ~~2 1~~, or within three months of the federal decennial census data  
27 becoming available, and after giving notice by publication for one week in the official newspapers of  
28 the county, shall change the boundaries of the commissioner districts if ~~such the~~ change is necessary  
29 in order that each district ~~shall be~~ is as regular and compact in form as practicable ~~and it shall so.~~  
30 The board shall divide and redistrict its county that each district may contain as near as possible an  
31 equal number of residents complies with the Equal Protection Clause of the Fourteenth Amendment,  
32 as determined by the last preceding federal decennial census; or the board may, at ~~its discretion~~  
33 that time, choose to have all of its commissioners run elected at large. The board may choose to  
34 have its members elected from single-member districts, from multi-member districts, or from a  
35 hybrid plan of single- and multi-member districts..

36 **Section 2. That § 7-8-12.3 be AMENDED:**

37 **7-8-12.3.** The board of county commissioners may, within one hundred eighty days of receipt  
38 of such written order, redistrict the county's commission districts once to avoid any perceived or  
39 potential violation of state or federal law. The commissioners may change the boundaries of the  
40 commissioner districts in order that each district ~~shall be~~ is as regular and compact in form as

1 practicable and shall redistrict the county so that each commission district ~~contains an appropriate~~  
 2 ~~number of residents~~ complies with the Equal Protection Clause of the Fourteenth Amendment, as  
 3 determined by the last preceding federal decennial census; or the board ~~of county commissioners~~  
 4 may, at ~~its discretion that time~~, choose to have ~~all of its commissioners run~~ elected at large. The  
 5 board may choose to have its members elected from single-member districts, from multi-member  
 6 districts, or from a hybrid plan of single- and multi-member districts. ~~Such redistricting shall~~  
 7 Redistricting may occur only after giving notice by publication for at least one week in the official  
 8 newspapers of the county.

9 **Section 3.** Whereas, this Act is necessary for the support of the state government and its  
 10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
 11 force and effect from and after its passage and approval."

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

13 Respectfully submitted,  
 14 Gary L. Cammack, Chair

15 MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
 17 Enrolling has carefully compared **SB 22, 31, 34, 48, 49, 51, 63, 77, 79, 83, 86, 95, 98, 119,**  
 18 **147, 154, 169, 187, 188, and 199** and finds the same correctly enrolled.

19 Respectfully submitted,  
 20 Lee A. Schoenbeck, Chair

21 MR. PRESIDENT:

22 The Committee on Legislative Procedure respectfully reports that **SB 4, 12, 14, 23, 27, 52,**  
 23 **64, 67, 73, 93, 135, and 176** were delivered to her Excellency, the Governor, for her approval at  
 24 9:15 a.m., March 2, 2022.

25 Respectfully submitted,  
 26 Lee A. Schoenbeck, Chair

27 **REPORTS OF CONFERENCE COMMITTEES**

28 MR. PRESIDENT:

29 The HB1044 A Conference Committee on **HB 1044** respectfully reports that it has considered  
 30 the disagreement of the two houses, and returns the same with the recommendation that the Senate  
 31 and House do NOT concur with the Senate amendments to **HB 1044** and do NOT appoint a new  
 32 committee.

33 Respectfully submitted,  
 34 Will Mortenson, Chair

Respectfully submitted,  
 Wayne H. Steinhauer, Chair

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**MESSAGES FROM THE HOUSE**

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MR. PRESIDENT:

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I have the honor to return herewith **SB 104** which has been amended by the House and your concurrence in the amendments is respectfully requested.

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Also MR. PRESIDENT:

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I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1196**.

7

8

Also MR. PRESIDENT:

9

I have the honor to return herewith **SCR 607** in which the House has concurred.

10

Also MR. PRESIDENT:

11

I have the honor to return herewith **SB 77, 119, 147, and 199** which have passed the House without change.

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Respectfully,  
Patricia Miller, Chief Clerk

14

15

**MOTIONS AND RESOLUTIONS**

16

Sen. Wheeler moved that the Senate do concur in House amendments to **SB 21**.

17

The question being on Sen. Wheeler's motion that the Senate do concur in House amendments to **SB 21**.

18

19

And the roll being called:

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Yeas 33, Nays 0, Excused 2, Absent 0

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

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Excused: Novstrup and Tobin

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

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28

Sen. Hunhoff moved that the Senate do concur in House amendments to **SB 50**.

29

The question being on Sen. Hunhoff's motion that the Senate do concur in House amendments to **SB 50**.

30

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And the roll being called:

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

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

6 Excused: Novstrup and Tobin

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

9 **HCR 6011**: A CONCURRENT RESOLUTION, declaring August thirty-first as Young Republicans  
10 Day.

11 Was read the second time.

12 Sen. Steinhauer moved that **HCR 6011** be laid on the table.

13 The question being on Sen. Steinhauer's motion that **HCR 6011** be laid on the table.

14 And the roll being called:

15 Yeas 29, Nays 5, Excused 1, Absent 0

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

20 Nays: Kolbeck, Schoenfish, Sutton, Symens, and Zikmund

21 Excused: Heinert

22 So the motion having received an affirmative vote of a majority of the members-elect, the  
23 President declared the motion carried and **HCR 6011** was tabled.

24 **HCR 6012**: A CONCURRENT RESOLUTION, urging the development of options for ensuring  
25 continued visitation of patients and residents in nursing facilities and assisted living centers.

26 Was read the second time.

27 Sen. Symens moved **HCR 6012** as found on page 425 of the Senate Journal be concurred in.

28 Sen. Wheeler moved that **HCR 6012** be amended as follows:

29 HCR6012C

30 On page 2, line 8, of the Introduced bill, after "goal" delete " must never again result in the de  
31 facto imprisonment and"

32 On page 2, line 8, of the Introduced bill, after "and " insert "should strive to minimize "

33 Which motion prevailed.

1 The question being on Sen. Symens' motion that **HCR 6012** be concurred in as amended.

2 And the roll being called:

3 Yeas 25, Nays 10, Excused 0, Absent 0

4 Yeas: Bolin, Cammack, Castleberry, Crabtree, Curd, Duvall, Foster, Frye-Mueller, Brock  
5 Greenfield, Heinert, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch,  
6 Schoenfish, Stalzer, Sutton, Symens, Tobin, Wheeler, and Zikmund

7 Nays: Breitling, Diedrich, Duhamel, Hunhoff, Johns, David Johnson, Schoenbeck, V. J. Smith,  
8 Steinhauer, and Wiik

9 So the motion having received an affirmative vote of a majority of the members-elect, the  
10 President declared the motion carried and **HCR 6012** was concurred in as amended.

11 Sen. Cammack moved that **HB 1133** be placed to follow **HB1126** on today's calendar.

12 Which motion prevailed.

13 Sen. Schoenbeck moved that **HB 1125** be referred to the Senate Committee on  
14 Appropriations.

15 Which motion prevailed.

16 Sen. Cammack moved that **HB 1124 and 1126** be deferred to Thursday, March 3, 2022, the  
17 33<sup>rd</sup> legislative day.

18 Which motion prevailed.

19 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
20 Thursday, March 3, 2022, the 33<sup>rd</sup> 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 1012** as found on page 420 of the Senate Journal; and

25 Agriculture and Natural Resources on **HB 1325** as found on page 422 of the Senate Journal  
26 be adopted.

27 Which motion prevailed and the reports were adopted.

28 Sen. Johns moved that the report of the Conference Committee on **HB 1068** as found on page  
29 423 of the Senate Journal be adopted.

30 The question being on Sen. Johns' motion that the report of the Conference Committee on  
31 **HB 1068** be adopted.



1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

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

7 So the motion having received an affirmative vote of a majority of the members-elect, the  
 8 President declared the motion carried and the report was adopted.

9 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

10 The Senate proceeded to the consideration of the executive appointment of Jarrod Johnson of  
 11 Minnehaha County, Brandon, South Dakota, to the position of Interim Commissioner of School and  
 12 Public Lands.

13 The question being "Does the Senate advise and consent to the executive appointment of  
 14 Jarrod Johnson pursuant to the executive message as found on page 203 of the Senate Journal?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

23 **SECOND READING OF CONSENT CALENDAR ITEMS**

24 **SCR 608:** A CONCURRENT RESOLUTION, to conduct an interim study examining local jails and  
 25 opportunities for collaboration with state correctional plans.

26 **HB 1162:** FOR AN ACT ENTITLED, An Act to define a loaded firearm.

27 **HB 1173:** FOR AN ACT ENTITLED, An Act to include a common paymaster as within the  
 28 meaning of employing unit.

29 **HB 1214:** FOR AN ACT ENTITLED, An Act to prohibit forms of caller identification manipulation  
 30 and to impose a penalty therefor.

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

33 **HB 1271:** FOR AN ACT ENTITLED, An Act to provide for remote work for employees of money  
 34 lending licensees and mortgage lender businesses.

35 **HB 1272:** FOR AN ACT ENTITLED, An Act to revise provisions related to counseling for  
 36 domestic abuse defendants.

1 Were read the second time.

2 The question being "Shall **HB 1162, 1173, 1214, and 1272** pass as amended, and **HB 1268**  
 3 **and 1271** pass, and **SCR 608** be concurred in?"

4 And the roll being called:

5 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

13 **HB 1223:** FOR AN ACT ENTITLED, An Act to authorize the provision of informed consent by a  
 14 pregnant minor.

15 Was read the second time.

16 Sen. Brock Greenfield moved that **HB 1223** be amended as follows:

17 1223H

18 On page 1, line 9, of the House Health and Human Services Engrossed bill, after "or" insert "  
 19 unreasonably"

20 The President, being in doubt of the voice vote, called for a division of the Senate.

21 The question being on Sen. Brock Greenfield's motion that **HB 1223** be amended.

22 Which motion lost.

23 The question being "Shall **HB 1223** pass as amended?"

24 And the roll being called:

25 Yeas 30, Nays 5, Excused 0, Absent 0

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

30 Nays: Frye-Mueller, Brock Greenfield, Klumb, Kolbeck, and Sutton

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

1 **HB 1318:** FOR AN ACT ENTITLED, An Act to prohibit medical abortion by telemedicine and to  
2 increase the penalty for the unlicensed practice of medicine when performing a medical abortion.

3 Was read the second time.

4 The question being "Shall **HB 1318** pass as amended?"

5 And the roll being called:

6 Yeas 32, Nays 2, Excused 1, Absent 0

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

11 Nays: Heinert and Nesiba

12 Excused: Foster

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

15 **HB 1038:** FOR AN ACT ENTITLED, An Act to establish an opioid abatement and remediation  
16 fund and to declare an emergency.

17 Was read the second time.

18 The question being "Shall **HB 1038** pass?"

19 And the roll being called:

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

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

25 Excused: V. J. Smith

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

28 **HB 1113:** FOR AN ACT ENTITLED, An Act to prohibit threats made with the intent to coerce  
29 an abortion and to provide a penalty therefor.

30 Was read the second time.

31 The question being "Shall **HB 1113** pass?"

32 And the roll being called:

33 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

7 **HB 1160:** FOR AN ACT ENTITLED, An Act to clarify bond or pre-trial release upon sobriety  
8 program participation.

9 Was read the second time.

10 The question being "Shall **HB 1160** pass as amended?"

11 And the roll being called:

12 Yeas 17, Nays 18, Excused 0, Absent 0

13 Yeas: Breitling, Cammack, Curd, Diedrich, Foster, Heinert, Hunhoff, Johns, David Johnson,  
14 Nesiba, Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Tobin, and Wheeler

15 Nays: Bolin, Castleberry, Crabtree, Duhamel, Duvall, Frye-Mueller, Brock Greenfield, Klumb,  
16 Kolbeck, Maher, Novstrup, Schoenbeck, Stalzer, Steinhauer, Sutton, Symens, Wiik, and Zikmund

17 So the bill not having received an affirmative vote of a majority of the members-elect, the  
18 President declared the bill lost.

19 Sen. Johns announced his intention to reconsider the vote by which **HB 1160** lost.

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

22 Was read the second time.

23 The question being "Shall **HB 1102** pass?"

24 And the roll being called:

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

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

30 Excused: Rohl

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

33 **HB 1096:** FOR AN ACT ENTITLED, An Act to revise provisions regarding livestock identification.

34 Was read the second time.

1 The question being "Shall **HB 1096** pass as amended?"

2 And the roll being called:

3 Yeas 25, Nays 9, Excused 1, Absent 0

4 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Foster, Frye-Mueller,  
5 Brock Greenfield, Heinert, Johns, David Johnson, Klumb, Maher, Nesiba, Novstrup, Herman Otten,  
6 Schoenfish, Stalzer, Steinhauer, Sutton, Symens, Tobin, and Zikmund

7 Nays: Duhamel, Duvall, Hunhoff, Kolbeck, Rusch, Schoenbeck, V. J. Smith, Wheeler, and Wiik

8 Excused: Rohl

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 **HB 1031:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
12 Education to construct an advanced manufacturing laboratory space and classrooms on the campus  
13 of Lake Area Technical College and to declare an emergency.

14 Was read the second time.

15 The question being "Shall **HB 1031** pass?"

16 And the roll being called:

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

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

22 Nays: Frye-Mueller

23 Excused: Rohl

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

26 **HB 1032:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical  
27 Education to construct an agriculture and diesel power laboratory and multi-purpose space on the  
28 campus of Mitchell Technical College and to declare an emergency.

29 Was read the second time.

30 The question being "Shall **HB 1032** pass?"

31 And the roll being called:

32 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

3 **HB 1273:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to  
4 purchase certain real property in Chamberlain and to declare an emergency.

5 Was read the second time.

6 The question being "Shall **HB 1273** pass as amended?"

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

15 **HB 1277:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation  
16 Commission, transfer moneys thereto, and to declare an emergency.

17 Was read the second time.

18 The question being "Shall **HB 1277** pass?"

19 And the roll being called:

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

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

25 Nays: Frye-Mueller

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

28 Sen. Cammack moved that **HB 1133** be deferred to Monday, March 7, 2022, the 34<sup>th</sup>  
29 legislative day.

30 Which motion prevailed.

31 Today, Sen. Johns announced his intention to reconsider the vote by which **HB 1160** lost.

32 Sen. Johns moved that the Senate do now reconsider the vote by which **HB 1160** lost.

33 The question being on Sen. Johns' motion to reconsider the vote by which **HB 1160** lost.

34 And the roll being called:

1 Yeas 15, Nays 20, Excused 0, Absent 0

2 Yeas: Breitling, Curd, Diedrich, Foster, Heinert, Hunhoff, Johns, Kolbeck, Nesiba, Herman  
3 Otten, Rohl, Rusch, Schoenfish, Tobin, and Wheeler

4 Nays: Bolin, Cammack, Castleberry, Crabtree, Duhamel, Duvall, Frye-Mueller, Brock  
5 Greenfield, David Johnson, Klumb, Maher, Novstrup, Schoenbeck, V. J. Smith, Stalzer, Steinhauer,  
6 Sutton, Symens, Wiik, and Zikmund

7 So the motion not having received an affirmative vote of a majority of the members-elect, the  
8 President declared the motion lost.

9 **SIGNING OF BILLS**

10 The President publicly read the title to

11 **SB 22:** FOR AN ACT ENTITLED, An Act to revise a reference to the Division of Criminal  
12 Investigation.

13 **SB 31:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Labor  
14 and Regulation for the modernization of the reemployment assistance enterprise system and to  
15 declare an emergency.

16 **SB 34:** FOR AN ACT ENTITLED, An Act to make an appropriation for the enhancement and  
17 improvement of state radio infrastructure and to declare an emergency.

18 **SB 48:** FOR AN ACT ENTITLED, An Act to make an appropriation for the redesign and  
19 renovation of the Wagner Readiness Center and to declare an emergency.

20 **SB 49:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to construct  
21 a cold storage building located in Rapid City, South Dakota, to make an appropriation therefor, and  
22 to declare an emergency.

23 **SB 51:** FOR AN ACT ENTITLED, An Act to make an appropriation to support firefighter training  
24 equipment and recruitment efforts in the state, and to declare an emergency.

25 **SB 63:** FOR AN ACT ENTITLED, An Act to revise the appropriation for road improvements to  
26 the State Veterans Cemetery, to provide for ordinary operations of the cemetery, and to declare an  
27 emergency.

28 **SB 77:** FOR AN ACT ENTITLED, An Act to enhance the penalty on registered sex offenders who  
29 commit sexual contact without consent from a person capable of consenting.

30 **SB 79:** FOR AN ACT ENTITLED, An Act to clarify cross-references regarding powers of attorney.

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

33 **SB 86:** FOR AN ACT ENTITLED, An Act to revise certain definitions in laws regarding physical  
34 therapists.

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

37 **SB 98:** FOR AN ACT ENTITLED, An Act to add an exemption from the calculation of adjusted  
38 gross proceeds from gaming.

1 **SB 119:** FOR AN ACT ENTITLED, An Act to prohibit sexual contact between prison employees  
2 and prisoners.

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

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

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

9 **SB 187:** FOR AN ACT ENTITLED, An Act to require state agencies to provide certain information  
10 for initiated measure or constitutional amendment fiscal notes.

11 **SB 188:** FOR AN ACT ENTITLED, An Act to allow for unlicensed businesses to store alcoholic  
12 beverages.

13 **SB 199:** FOR AN ACT ENTITLED, An Act to revise provisions related to a name change for  
14 certain crime victims.

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

16 **COMMEMORATIONS**

17 **SC 818:** A LEGISLATIVE COMMEMORATION, Recognizing and honoring the legacy of Tom  
18 Brady, one of football's greatest quarterbacks of all time, upon his retirement from the National  
19 Football League.

20 Introduced by: **Senator** Heinert

21 **SC 819:** A LEGISLATIVE COMMEMORATION, Recognizing and honoring the great achievement  
22 of Chase Hanson, who won the 2022 South Dakota State Class B boys wrestling championship in  
23 the 120 pound weight class, and his teammates from Stanley County High School.

24 Introduced by: **Senator** Heinert

25 **SC 820:** A LEGISLATIVE COMMEMORATION, Honoring and recognizing the work and presence  
26 of Cindy Tryon as a positive and elating force in the South Dakota Legislative Research Council.

27 Introduced by: **Senator** Heinert

28 **SC 821:** A LEGISLATIVE COMMEMORATION, Honoring Angela Ehlers for being the 2021  
29 recipient of the Spirit of Dakota award.

30 Introduced by: **Senators** Brock Greenfield, Hunhoff, Nesiba, Schoenbeck, and V. J. Smith

31 **SC 822:** A LEGISLATIVE COMMEMORATION, Honoring Clint Johnson as the recipient of the  
32 2021 Legend of ProRodeo award and for his outstanding representation of South Dakota on the  
33 national stage.

34 Introduced by: **Senator** Heinert

35 **SC 823:** A LEGISLATIVE COMMEMORATION, Honoring Onion Ring, a world-class bucking  
36 horse, for earning the 2021 World Champion saddle bronc title and for his high caliber performance  
37 on the national stage.



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1 Introduced by: **Senator** Heinert

2 **SC 824:** A LEGISLATIVE COMMEMORATION, Honoring and Commending the Lakota Nation  
3 Invitational for its 45 years of success and its unique ability to showcase Native youth and their  
4 exceptional talents.

5 Introduced by: **Senators** Foster, Nesiba, and V. J. Smith and **Representative** Perry

6 **SC 825:** A LEGISLATIVE COMMEMORATION, Honoring and Commending Stevi Fallis for  
7 earning her 1,000th point and the Red Cloud High School girls basketball team for their exceptional  
8 athleticism throughout the 2021-2022 basketball season.

9 Introduced by: **Senators** Foster, Nesiba, and V. J. Smith and **Representative** Perry

10 **SC 826:** A LEGISLATIVE COMMEMORATION, Celebrating the Madison High School football  
11 team for winning the Class 11A state championship.

12 Introduced by: **Senator** Crabtree

13 **SC 827:** A LEGISLATIVE COMMEMORATION, Celebrating the Howard High School football team  
14 for winning the Class 9A state championship.

15 Introduced by: **Senator** Crabtree

16 **SC 828:** A LEGISLATIVE COMMEMORATION, Commending Grady Kane for his outstanding  
17 accomplishments in the sport of archery.

18 Introduced by: **Senator** Crabtree

19 Sen. Herman Otten moved that the Senate do now adjourn, which motion prevailed and at  
20 4:22 p.m. the Senate adjourned.

21

Kay Johnson, Secretary

