

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

THIRTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, March 07, 2022

The Senate convened at 11:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate pages Iris Anderson and Dustin Hermansen.

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 33rd 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 The oath of office was administered by the President to the following named pages:

2 Iris Anderson, Dustin Hermansen, Morgan Jager, Aiden Petersen, Ella Simmons, and
3 Ellie Jo Simpson.

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **COMMUNICATIONS AND PETITIONS**

6 March 3, 2022

7 Mr. President and Members of the Senate:

8 I have the honor to inform you that on March 3, 2022, I approved Senate Bills 135, 160, 171,
9 and 190, and the same have been deposited in the office of the Secretary of State.

10 Respectfully submitted,
11 Kristi Noem
12 Governor

13 **REPORTS OF STANDING COMMITTEES**

14 MR. PRESIDENT:

15 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
16 Enrolling has carefully compared **SB 33, 42, 43, 44, 55, 56, 57, 58, 61, 107, 120, 122, 132,**
17 **133, 151, 152, 197, and 203** and finds the same correctly enrolled.

18 Respectfully submitted,
19 Lee A. Schoenbeck, Chair

20 MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that **SB 21, 22, 31, 34, 41, 48,**
22 **49, 50, 51, 63, 77, 79, 83, 84, 86, 95, 98, 108, 118, 119, 131, 136, 147, 154, 156, 165,**
23 **169, 187, 188, 195, and 199** were delivered to her Excellency, the Governor, for her approval at
24 11:05 a.m., March 7, 2022.

25 Respectfully submitted,
26 Lee A. Schoenbeck, Chair

27 **MESSAGES FROM THE HOUSE**

28 MR. PRESIDENT:

29 I have the honor to inform your honorable body that the House has concurred in Senate
30 amendments to **HB 1014, 1099, 1100, 1176, and 1284.**

1 Also MR. PRESIDENT:

2 I have the honor to return herewith **SB 19, 26, 90, and 162** which have been amended by
3 the House and your concurrence in the amendments is respectfully requested.

4 Also MR. PRESIDENT:

5 I have the honor to inform your honorable body that **SB 65 and 150** were lost on second
6 reading and final passage.

7 Also MR. PRESIDENT:

8 I have the honor to inform your honorable body that the House has adopted the report of the
9 Conference Committee on **HB 1044**.

10 Also MR. PRESIDENT:

11 I have the honor to return herewith **SB 33, 42, 43, 44, 55, 56, 57, 58, 61, 107, 120, 122,**
12 **132, 133, 151, 152, 197, and 203** which have passed the House without change.

13 Also MR. PRESIDENT:

14 I have the honor to inform your honorable body that the House has appointed
15 Representatives Anderson (Chair), Marty, and Bordeaux as a committee of three on the part of the
16 House to meet with a like committee on the part of the Senate to adjust the differences between
17 the two houses on **SB 104**.

18 Respectfully,
19 Patricia Miller, Chief Clerk

20 **MOTIONS AND RESOLUTIONS**

21 Sen. Klumb moved that the Senate do concur in House amendments to **SB 201**.

22 The question being on Sen. Klumb's motion that the Senate do concur in House amendments
23 to **SB 201**.

24 And the roll being called:

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

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

30 Nays: Novstrup

31 Excused: Duhamel and Foster

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

1 Sen. Wheeler moved that the Senate do concur in House amendments to **SB 167**.

2 The question being on Sen. Wheeler's motion that the Senate do concur in House amendments
3 to **SB 167**.

4 And the roll being called:

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

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

10 Excused: Duhamel and Foster

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

13 Sen. Breitling moved that the Senate do not concur in House amendments to **SB 24** and that
14 a committee of three on the part of the Senate be appointed to meet with a like committee on the
15 part of the House to adjust the differences between the two houses.

16 Which motion prevailed and the President announced as such committee
17 Senators Breitling (Chair), Rohl, and Duhamel.

18 Sen. Cammack moved that **HB 1012** be placed to follow **HB 1033** on today's calendar.

19 Which motion prevailed.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

22 Senate Appropriations on **HB 1209** as found on page 451 of the Senate Journal; also

23 Judiciary on **HB 1279 and 1328** as found on page 452 of the Senate Journal; and

24 Health and Human Services on **HB 1136** as found on page 450 of the Senate Journal be
25 adopted.

26 Which motion prevailed and the reports were adopted.

27 Sen. Stalzer moved that **HB 1136** be placed on today's calendar with a do pass
28 recommendation and be immediately considered pursuant to JR 6F-6.

29 The question being on Sen. Stalzer's motion that **HB 1136** be placed on today's calendar with
30 a do pass recommendation and be immediately considered pursuant to JR 6F-6.

31 And the roll being called:

32 Yeas 11, Nays 24, Excused 0, Absent 0

1 Yeas: Bolin, Cammack, Castleberry, Frye-Mueller, Maher, Novstrup, Herman Otten, Stalzer,
2 Sutton, Symens, and Tobin

3 Nays: Breitling, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Brock Greenfield, Heinert,
4 Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Nesiba, Rohl, Rusch, Schoenbeck, Schoenfish, V.
5 J. Smith, Steinhauer, Wheeler, Wiik, and Zikmund

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

8 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

9 The Senate proceeded to the consideration of the executive appointment of Kurt D. Hall of
10 Faulk County, Faulkton, South Dakota, to the South Dakota Board of Pardons and Parole.

11 The question being "Does the Senate advise and consent to the executive appointment of Kurt
12 D. Hall pursuant to the executive message as found on page 420 of the Senate Journal?"

13 And the roll being called:

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

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

19 Excused: Klumb

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

22 **SECOND READING OF CONSENT CALENDAR ITEMS**

23 Sen. Brock Greenfield requested that **HB 1278** be removed from the Consent Calendar.

24 **HB 1117:** FOR AN ACT ENTITLED, An Act to revise a certain provision regarding standard
25 nonforfeiture amounts for individual deferred annuities.

26 **HB 1229:** FOR AN ACT ENTITLED, An Act to authorize the formation of corporations and
27 limited liability companies by physical therapists, occupational therapists, and speech-language
28 pathologists.

29 **HB 1279:** FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child support.

30 **HB 1289:** FOR AN ACT ENTITLED, An Act to update provisions regarding self-service storage.

31 **HB 1293:** FOR AN ACT ENTITLED, An Act to limit liability for certain child welfare agency
32 licensees.

33 **HB 1302:** FOR AN ACT ENTITLED, An Act to modify tuition responsibilities for children in
34 residential treatment centers.

35 **HB 1328:** FOR AN ACT ENTITLED, An Act to require law enforcement to report certain seizures
36 of property.

1 **HCR 6002:** A CONCURRENT RESOLUTION, recommending private sector housing solutions.

2 Were read the second time.

3 The question being "Shall **HB 1229, 1279, 1289, 1302, and 1328** pass as amended, and
4 **HB 1117 and 1293** pass, and **HCR 6002** be concurred in?"

5 And the roll being called:

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

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

11 Excused: Frye-Mueller

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

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

15 **HB 1278:** FOR AN ACT ENTITLED, An Act to revise the child support obligation schedule.

16 Was read the second time.

17 The question being "Shall **HB 1278** pass?"

18 And the roll being called:

19 Yeas 31, Nays 4, Excused 0, Absent 0

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

24 Nays: Frye-Mueller, Brock Greenfield, Maher, and Symens

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 **HB 1133:** FOR AN ACT ENTITLED, An Act to provide that the cost of a home study required
28 for an adoption is the responsibility of the Department of Social Services.

29 Was read the second time.

30 Sen. Wiik moved that **HB 1133** be amended as follows:

31 1133D

32 On page 1, line 19, of the House Health and Human Services Engrossed bill, after "4-7." insert
33 " The Department shall make rules pursuant to chapter 1-26 to establish a cap on the cost to be
34 reimbursed."

1 Which motion prevailed.

2 The question being "Shall **HB 1133** pass as amended?"

3 And the roll being called:

4 Yeas 32, Nays 0, Excused 3, Absent 0

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

9 Excused: Foster, Heinert, and Nesiba

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

12 **HB 1325:** FOR AN ACT ENTITLED, An Act to revise the classification of agricultural land
13 according to soil type.

14 Was read the second time.

15 The question being "Shall **HB 1325** pass as amended?"

16 And the roll being called:

17 Yeas 31, Nays 1, Excused 3, Absent 0

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

22 Nays: David Johnson

23 Excused: Foster, Heinert, and Nesiba

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

26 **HB 1174:** FOR AN ACT ENTITLED, An Act to revise requirements for sales of catalytic
27 converters to scrap metal businesses.

28 Was read the second time.

29 The question being "Shall **HB 1174** pass as amended?"

30 And the roll being called:

31 Yeas 31, Nays 1, Excused 3, Absent 0

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

1 Nays: Wiik

2 Excused: Foster, Heinert, and Nesiba

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

5 **HB 1084**: FOR AN ACT ENTITLED, An Act to provide for the regulation of motorized foot
6 scooters and to declare an emergency.

7 Was read the second time.

8 The question being "Shall **HB 1084** pass as amended?"

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, Frye-
12 Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Novstrup,
13 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton,
14 Symens, Tobin, Wheeler, Wiik, and Zikmund

15 Excused: Foster, Heinert, and Nesiba

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

18 Sen. Cammack moved that **HB 1127** be placed to follow **HB 1322** on today's calendar.

19 Which motion prevailed.

20 **HB 1129**: FOR AN ACT ENTITLED, An Act to prohibit forms of discrimination in access to organ
21 transplantation.

22 Was read the second time.

23 The question being "Shall **HB 1129** pass as amended?"

24 And the roll being called:

25 Yeas 32, Nays 0, Excused 3, Absent 0

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

30 Excused: Foster, Heinert, and Nesiba

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 1134:** FOR AN ACT ENTITLED, An Act to revise provisions related to medical cannabis for
2 the protection of youth.
- 3 Was read the second time.
- 4 The question being "Shall **HB 1134** pass as amended?"
- 5 And the roll being called:
- 6 Yeas 12, Nays 20, Excused 3, Absent 0
- 7 Yeas: Cammack, Castleberry, Duhamel, Frye-Mueller, Brock Greenfield, Klumb, Novstrup,
8 Schoenbeck, Stalzer, Steinhauer, Sutton, and Wiik
- 9 Nays: Bolin, Breitling, Crabtree, Curd, Diedrich, Duvall, Hunhoff, Johns, David Johnson,
10 Kolbeck, Maher, Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Symens, Tobin, Wheeler, and
11 Zikmund
- 12 Excused: Foster, Heinert, and Nesiba
- 13 So the bill not having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill lost.
- 15 **HB 1228:** FOR AN ACT ENTITLED, An Act to expand the ability for patients to seek
16 investigational drugs, biological products, or devices.
- 17 Was read the second time.
- 18 The question being "Shall **HB 1228** pass?"
- 19 And the roll being called:
- 20 Yeas 6, Nays 25, Excused 4, Absent 0
- 21 Yeas: Bolin, Curd, Frye-Mueller, Stalzer, Steinhauer, and Sutton
- 22 Nays: Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Brock Greenfield,
23 Hunhoff, Johns, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck,
24 Schoenfish, V. J. Smith, Symens, Tobin, Wheeler, Wiik, and Zikmund
- 25 Excused: Foster, Heinert, David Johnson, and Nesiba
- 26 So the bill not having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill lost.
- 28 **HB 1322:** FOR AN ACT ENTITLED, An Act to provide for the direct sale of certain home-
29 produced or home-processed foods and food products.
- 30 Was read the second time.
- The question being "Shall **HB 1322** pass as amended?"
- 31 And the roll being called:
- 32 Yeas 34, Nays 0, Excused 1, Absent 0

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

5 Excused: David Johnson

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

8 **HB 1127:** FOR AN ACT ENTITLED, An Act to modify provisions related to county redistricting
9 and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **HB 1127** pass as amended?"

12 And the roll being called:

13 Yeas 21, Nays 13, Excused 1, Absent 0

14 Yeas: Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Hunhoff, Klumb,
15 Novstrup, Herman Otten, Rohl, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton,
16 Tobin, Wheeler, and Wiik

17 Nays: Bolin, Curd, Foster, Frye-Mueller, Brock Greenfield, Heinert, Johns, Kolbeck, Maher,
18 Nesiba, Rusch, Symens, and Zikmund

19 Excused: David Johnson

20 So the bill not having received an affirmative vote of a two-thirds majority of the members-
21 elect, the President declared the bill lost.

22 Sen. Duvall announced her intention to reconsider the vote by which **HB 1127** lost and to
23 place **HB 1127** to follow **HB 1033** on today's calendar.

24 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
25 to provide grant funding for a new biomedical facility at the research park in Sioux Falls, and to
26 declare an emergency.

27 Was read the second time.

28 Sen. Schoenbeck moved that **HB 1210** be amended as follows:

29 1210A

30 On page 1, line 5, of the Introduced bill, delete " \$15,000,000" and insert " \$1"

31 Which motion prevailed.

1 The question being "Shall **HB 1210** pass as amended?"

2 And the roll being called:

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

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

8 Nays: Frye-Mueller

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

11 **HB 1281:** FOR AN ACT ENTITLED, An Act to make an appropriation for matching funds to
12 enhance research in manufacturing processes having lunar application and planetary use in tribal
13 housing development and to declare an emergency.

14 Was read the second time.

15 Sen. Schoenbeck moved that **HB 1281** be amended as follows:

16 1281B

17 On page 1, line 5, of the Introduced bill, delete " \$300,000" and insert " \$1"

18 Which motion prevailed.

19 The question being "Shall **HB 1281** pass as amended?"

20 And the roll being called:

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

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

26 Nays: Frye-Mueller

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

29 **HB 1166:** FOR AN ACT ENTITLED, An Act to make an appropriation for road improvements
30 leading to the former entrance into the Palisades State Park and to declare an emergency.

31 Was read the second time.

32 Sen. Schoenbeck moved that **HB 1166** be amended as follows:

33 1166F

1 On page 1, line 4, of the Senate Appropriations Engrossed bill, delete " \$665,440" and insert
2 " \$1"

3 Which motion prevailed.

4 The question being "Shall **HB 1166** pass as amended?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

13 **HB 1306:** FOR AN ACT ENTITLED, An Act to make an appropriation to rural access
14 infrastructure funds and to declare an emergency.

15 Was read the second time.

16 Sen. Schoenbeck moved that **HB 1306** be amended as follows:

17 1306E

18 On page 1, line 4, of the Senate Appropriations Engrossed bill, delete " \$25,000,000," and
19 insert " \$1"

20 Which motion prevailed.

21 The question being "Shall **HB 1306** pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

30 **HB 1209:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
31 for improving the National Music Museum at the University of South Dakota and to declare an
32 emergency.

33 Was read the second time.

1 Sen. Schoenbeck moved that **HB 1209** be amended as follows:

2 1209C

3 On page 1, line 5, of the Senate Appropriations Engrossed bill, delete " \$2,000,000" and insert
4 " \$1"

5 Which motion prevailed.

6 The question being "Shall **HB 1209** pass as amended?"

7 And the roll being called:

8 Yeas 28, Nays 6, Excused 1, Absent 0

9 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
10 Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Nesiba, Novstrup, Herman Otten, Rohl,
11 Schoenbeck, Schoenfish, V. J. Smith, Steinhauer, Sutton, Tobin, Wheeler, Wiik, and Zikmund

12 Nays: Frye-Mueller, Brock Greenfield, Maher, Rusch, Stalzer, and Symens

13 Excused: Foster

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

16 Sen. Cammack moved that the Senate do now recess until 2:00 p.m.

17 Which motion prevailed and at 1:14 p.m., the Senate recessed.

18 **RECESS**

19 The Senate reconvened at 2:00 p.m., the President presiding.

20 **HB 1033:** FOR AN ACT ENTITLED, An Act to expand the eligible projects for the local
21 infrastructure improvement grant fund.

22 Was read the second time.

23 Sen. Crabtree moved that **HB 1033** be amended as follows:

24 1033C

25 On page 1, line 1, of the Introduced bill, delete "expand the eligible projects for the local" and
26 insert "make an appropriation for the provision of housing"

27 On page 1, line 1, delete "improvement grant fund" and insert "loans and grants"

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

29 "

1 **Section 1.** There is hereby transferred from the general fund to the South Dakota Housing
2 Opportunity fund, created in § 11-13-2, the sum of \$150,000,000. The South Dakota Housing
3 Development Authority shall administer the moneys so transferred for the purpose of providing:

4 (1) Loans in the sum of \$100,000,000 for the construction of housing infrastructure; and

5 (2) Grants in the sum of \$50,000,000 for the construction of housing infrastructure.

6 **Section 2.** Federal fund expenditure authority is hereby appropriated in the sum of
7 \$50,000,000 from the American Rescue Plan Act to the South Dakota Housing Development
8 Authority, for the purpose of providing grants for the construction of housing infrastructure.

9 **Section 3.** Loans or grants made available pursuant to this Act must be designated as follows:

10 (1) Thirty percent for use in municipalities having a population of fifty thousand or more; and

11 (2) Seventy percent for use in all other areas of the state.

12 Any housing infrastructure project sited in a municipality having a population of fifty thousand
13 or more may receive either a loan or a grant from moneys appropriated or authorized under this
14 Act, but may not receive both.

15 **Section 4.** Any grant made available by the South Dakota Housing Development Authority
16 pursuant to this Act may not be for an amount greater than one-third of the project's total cost.

17 **Section 5.** For purposes of this Act, the term, housing infrastructure, means public:

18 (1) Rights of way;

19 (2) Water distribution systems;

20 (3) Sanitary and storm sewers;

21 (4) Streets, roads, and bridges;

22 (5) Curbs, gutters, and sidewalks;

23 (6) Lift stations;

24 (7) Excavation and compaction;

25 (8) Traffic signals;

26 (9) Street lighting;

27 (10) The purchase of land necessary to accommodate projects listed in this section; and

28 (11) Any other infrastructure project determined by the South Dakota Housing
29 Development Authority to be consistent with the purposes of this Act.

30 **Section 6.** The executive director of the South Dakota Housing Development Authority shall
31 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this
32 Act.

33 **Section 7. This Act is effective on June 27, 2022.** "

34 Which motion prevailed.

1 The question being "Shall **HB 1033** pass as amended?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

10 Today, Sen. Duvall announced her intention to reconsider the vote by which **HB 1127** lost.

11 Sen. Duvall moved that the Senate do now reconsider the vote by which **HB 1127** lost.

12 The question being on Sen. Duvall's motion to reconsider the vote by which **HB 1127** lost.

13 And the roll being called:

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

15 Yeas: Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Hunhoff, Johns,
16 Novstrup, Herman Otten, Rohl, Schoenbeck, V. J. Smith, Stalzer, Steinhauer, Sutton, Tobin,
17 Wheeler, and Wiik

18 Nays: Bolin, Curd, Foster, Frye-Mueller, Brock Greenfield, Heinert, David Johnson, Klumb,
19 Kolbeck, Maher, Nesiba, Rusch, Schoenfish, Symens, and Zikmund

20 So the motion having received an affirmative vote of a majority of the members-elect, the
21 President declared the motion carried and **HB 1127** was up for reconsideration and final passage.

22 **HB 1127**: FOR AN ACT ENTITLED, An Act to modify provisions related to county redistricting
23 and to declare an emergency.

24 Having had its second reading was up for reconsideration and final passage.

25 Sen. Duvall moved that **HB 1127** be amended as follows:

26 1127B

27 On page 1, line 1, of the Senate State Affairs Engrossed bill, after "redistricting" delete " and
28 to declare an emergency"

29 On page 2, line 6, of the Senate State Affairs Engrossed bill, after "county." delete "Section 3.
30 Whereas, this Act is necessary for the support of the state government and its existing public
31 institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect
32 from and after its passage and approval."

33 Which motion prevailed.

1 The question being "Shall **HB 1127** pass as amended?"

2 And the roll being called:

3 Yeas 22, Nays 13, Excused 0, Absent 0

4 Yeas: Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Hunhoff, Johns,
5 Klumb, Novstrup, Herman Otten, Rohl, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
6 Sutton, Tobin, Wheeler, and Wiik

7 Nays: Bolin, Curd, Foster, Frye-Mueller, Brock Greenfield, Heinert, David Johnson, Kolbeck,
8 Maher, Nesiba, Rusch, Symens, and Zikmund

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 1012:** FOR AN ACT ENTITLED, An Act to protect students and employees at institutions of
12 higher education from divisive concepts.

13 Was read the second time.

14 Sen. Wiik moved that **HB 1012** be amended as follows:

1012G

15
16 On page 1, line 1, of the Senate Education Engrossed bill, after "protect " insert "certain "

17 On page 1, line 1, of the Senate Education Engrossed bill, after "employees " delete "at
18 institutions of higher education "

19 On page 1, line 5, of the Senate Education Engrossed bill, after "of " insert "sections 2 to 8,
20 inclusive, of "

21 On page 1, line 6, of the Senate Education Engrossed bill, delete "any " and insert "an
22 individual's "

23 On page 1, line 19, of the Senate Education Engrossed bill, after "religion, " insert "sex, "

24 On page 2, line 15, of the Senate Education Engrossed bill, delete "funding " and insert "any
25 money "

26 On page 2, line 15, of the Senate Education Engrossed bill, after "in" insert " section 2 or 3 of"

27 On page 2, line 17, of the Senate Education Engrossed bill, after "in " insert "sections 2 to 4,
28 inclusive, of "

29 On page 2, after line 27, of the Senate Education Engrossed bill, insert: "

30 **Section 6. That chapter 13-1 be amended with a NEW SECTION:**

31 A state agency or school district may not allow any curricula, instruction, standards, or training
32 that promotes a divisive concept, or which directs or compels students or employees to personally
33 affirm, adopt, or adhere to a divisive concept.

34 Nothing in this section prohibits a school district employee from:

1 (1) Discussing, as part of a larger course of academic instruction, a divisive concept in an
2 objective manner and without endorsement; or

3 (2) Permitting or presiding over student debate, regarding a divisive concept, in an objective
4 manner and without endorsement."

5 On page 2, after line 27, of the Senate Education Engrossed bill, insert: "

6 **Section 7. That chapter 13-1 be amended with a NEW SECTION:**

7 A state agency, school board, school district, or public school may not authorize or expend any
8 money for any purpose prohibited in section 6 of this Act."

9 On page 2, after line 27, of the Senate Education Engrossed bill, insert: "

10 **Section 8. That chapter 13-1 be amended with a NEW SECTION:**

11 Nothing in sections 6 or 7 of this Act applies to a nonpublic school or an employee of a nonpublic
12 school.

13 For purposes of sections 6 and 7 of this Act, the term, state agency, does not include the Board
14 of Regents, the South Dakota Board of Technical Education, or any institution under their control."

15 Sen. Wiik requested a roll call vote.

16 Which request was supported.

17 The question being on Sen. Wiik's motion that **HB 1012** be amended.

18 And the roll being called:

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

20 Yeas: Cammack, Castleberry, Crabtree, Frye-Mueller, Brock Greenfield, Klumb, Kolbeck,
21 Novstrup, Herman Otten, Schoenbeck, Stalzer, Sutton, Symens, Tobin, and Wiik

22 Nays: Bolin, Breitling, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, David
23 Johnson, Maher, Nesiba, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Wheeler, and Zikmund

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

26 Sen. Heinert moved that **HB 1012** be amended as follows:

1012E

28 On page 1, line 1, of the Senate Education Engrossed bill, delete "protect students and
29 employees" and insert " prohibit the teaching of racism"

30 On page 1, line 1, after "education" delete " from divisive concepts"

31 On the Senate Education Engrossed bill, delete everything after the enacting clause and insert:

32 "

33 **Section 1. That chapter 13-1 be amended with a NEW SECTION:**

1 Racism may not be taught or promoted at any institution under the control of the Board of
2 Regents or the Board of Technical Education."

3 Sen. Heinert requested a roll call vote.

4 Which request was not supported.

5 The question being on Sen. Heinert's motion that **HB 1012** be amended.

6 Which motion lost.

7 The question being "Shall **HB 1012** pass as amended?"

8 And the roll being called:

9 Yeas 27, Nays 8, Excused 0, Absent 0

10 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-
11 Mueller, Brock Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl,
12 Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wiik, and Zikmund

13 Nays: Foster, Heinert, Hunhoff, Johns, Nesiba, Rusch, V. J. Smith, and Wheeler

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

16 Sen. Cammack moved that the Senate do now recess until 3:39 p.m.

17 Which motion prevailed and at 3:09 p.m., the Senate recessed.

18 **RECESS**

19 The Senate reconvened at 3:39 p.m., the President presiding.

20 **HB 1124:** FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

21 Was read the second time.

22 Sen. Schoenbeck moved that **HB 1124** be laid on the table.

23 The question being on Sen. Schoenbeck's motion that **HB 1124** be laid on the table.

24 And the roll being called:

25 Yeas 32, Nays 0, Excused 3, Absent 0

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

1 Excused: Breitling, Foster, and Hunhoff

2 So the motion having received an affirmative vote of a majority of the members-elect, the
3 President declared the motion carried and **HB 1124** was tabled.

4 **HB 1126:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection
5 of public safety.

6 Was read the second time.

7 Sen. Schoenbeck moved that **HB 1126** be laid on the table.

8 The question being on Sen. Schoenbeck's motion that **HB 1126** be laid on the table.

9 And the roll being called:

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

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

15 Excused: Breitling and Hunhoff

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 President declared the motion carried and **HB 1126** was tabled.

18 **ANNOUNCEMENTS**

19 MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has appointed
21 Representatives Deutsch (Chair), Randolph, and Keintz as a committee of three on the part of the
22 House to meet with a like committee on the part of the Senate to adjust the differences between
23 the two houses on **SB 24**.

24 Respectfully,
25 Patricia Miller, Chief Clerk

26 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
27 Tuesday, March 8, 2022, the 35th legislative day.

28 Which motion prevailed.

29 **SIGNING OF BILLS**

30 The President publicly read the title to

31 **SB 33:** FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to make
32 healthcare improvements at the South Dakota Women's Prison, to make an appropriation therefor,
33 and to declare an emergency.

1 **SB 42:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
2 design and construction of an addition to the wellness center at the University of South Dakota, to
3 make an appropriation therefor, and to declare an emergency.

4 **SB 43:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
5 design, renovation, and construction of an addition for a health sciences center at Black Hills State
6 University–Rapid City, to make an appropriation therefor, and to declare an emergency.

7 **SB 44:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
8 demolition of Briscoe Hall and the existing Lincoln Hall, and the design and construction of the new
9 Lincoln Hall, at Northern State University, to make an appropriation therefor, and to declare an
10 emergency.

11 **SB 55:** FOR AN ACT ENTITLED, An Act to appropriate funds for the expansion of broadband
12 infrastructure and to declare an emergency.

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

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

17 **SB 58:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a new
18 state public health laboratory and the renovation of the existing laboratory and to declare an
19 emergency.

20 **SB 61:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical
21 Education to support the purchase of simulation equipment for a health sciences clinical simulation
22 center on the campus of Southeast Technical College and to declare an emergency.

23 **SB 107:** FOR AN ACT ENTITLED, An Act to provide for the remote witnessing of certain legal
24 instruments.

25 **SB 120:** FOR AN ACT ENTITLED, An Act to include intentionally manipulated images or
26 recordings in the crime of invasion of privacy by recording.

27 **SB 122:** FOR AN ACT ENTITLED, An Act to prohibit private funding of election costs except for
28 gifts of a nominal and intrinsic value.

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

34 **SB 151:** FOR AN ACT ENTITLED, An Act to revise the automatic removal of certain convictions
35 from a background check record.

36 **SB 152:** FOR AN ACT ENTITLED, An Act to provide for ticket-in, ticket-out video lottery.

37 **SB 197:** FOR AN ACT ENTITLED, An Act to require the POW/MIA flag be displayed in the Senate
38 and House of Representative chambers.

39 **SB 203:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding utility facilities
40 and revenue bonds.

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

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

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

6 **HB 1041:** FOR AN ACT ENTITLED, An Act to facilitate legislative oversight of settlement
7 agreements involving a state entity or official.

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

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

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

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

15 **HB 1152:** FOR AN ACT ENTITLED, An Act to establish rights regarding the disposition of a
16 person's remains.

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

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

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

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

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

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

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

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

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

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

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

1 Sen. Curd moved that the Senate do now adjourn, which motion prevailed and at 4:07 p.m.
2 the Senate adjourned.

3

Kay Johnson, Secretary