

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 08, 2022

The Senate convened at 10:00 a.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 Morgan Jager.

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 34th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Lee A. Schoenbeck, Chair

Which motion prevailed.

1

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
4 Enrolling has carefully compared **SB 62, 97, 130, 155, 167, 170, and 201** and finds the same
5 correctly enrolled.

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7

Respectfully submitted,
Lee A. Schoenbeck, Chair

8

MESSAGES FROM THE HOUSE

9 MR. PRESIDENT:

10 I have the honor to inform your honorable body that **SB 25 and 159** were lost on second
11 reading and final passage.

12 Also MR. PRESIDENT:

13 I have the honor to return herewith **SB 81, 103, 109, 117, 144, 161, 174, 196, 198, 211,**
14 **and 212** which have been amended by the House and your concurrence in the amendments is
15 respectfully requested.

16 Also MR. PRESIDENT:

17 I have the honor to return herewith **SB 62, 97, 130, 155, and 170** which have passed the
18 House without change.

19 Also MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has concurred in Senate
21 amendments to **HCR 6012**.

22 Also MR. PRESIDENT:

23 I have the honor to return herewith **SCR 608** in which House has concurred.

24 Also MR. PRESIDENT:

25 I have the honor to transmit herewith **HCR 6013 and 6014** which have been adopted by the
26 House and your concurrence is respectfully requested.

27 Also MR. PRESIDENT:

28 I have the honor to inform your honorable body that **SB 25, 141, 142, and 143** were tabled.

29
30

Respectfully,
Patricia Miller, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

Sen. Crabtree moved that the Senate do concur in House amendments to **SB 162**.

3

4

The question being on Sen. Crabtree's motion that the Senate do concur in House amendments to **SB 162**.

5

And the roll being called:

6

Yeas 28, Nays 0, Excused 7, Absent 0

7

8

9

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Heinert, Johns, Klumb, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, Wheeler, Wiik, and Zikmund

10

Excused: Brock Greenfield, Hunhoff, David Johnson, Kolbeck, Maher, Nesiba, and Sutton

11

12

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.

13

Sen. Herman Otten moved that the Senate do concur in House amendments to **SB 90**.

14

15

The question being on Sen. Herman Otten's motion that the Senate do concur in House amendments to **SB 90**.

16

And the roll being called:

17

Yeas 27, Nays 0, Excused 8, Absent 0

18

19

20

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Heinert, Johns, Klumb, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, Wheeler, and Zikmund

21

Excused: Brock Greenfield, Hunhoff, David Johnson, Kolbeck, Maher, Nesiba, Sutton, and Wiik

22

23

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.

24

Sen. Breitling moved that the Senate do concur in House amendments to **SB 19**.

25

26

The question being on Sen. Breitling's motion that the Senate do concur in House amendments to **SB 19**.

27

And the roll being called:

28

Yeas 27, Nays 0, Excused 8, Absent 0

29

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31

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Heinert, Johns, Klumb, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, Wheeler, and Zikmund

32

Excused: Brock Greenfield, Hunhoff, David Johnson, Kolbeck, Maher, Nesiba, Sutton, and Wiik

33

34

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.

1 Sen. Wheeler moved that the Senate do concur in House amendments to **SB 26**.

2 The question being on Sen. Wheeler's motion that the Senate do concur in House amendments
3 to **SB 26**.

4 And the roll being called:

5 Yeas 26, Nays 1, Excused 8, Absent 0

6 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
7 Foster, Frye-Mueller, Heinert, Johns, Klumb, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck,
8 Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin, Wheeler, and Zikmund

9 Nays: Stalzer

10 Excused: Brock Greenfield, Hunhoff, David Johnson, Kolbeck, Maher, Nesiba, Sutton, and Wiik

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. Duhamel moved that the Senate do not concur in House amendments to **SB 81** 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 Duhamel (Chair), Wheeler, and Rusch.

18 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 103** and that
19 a committee of three on the part of the Senate be appointed to meet with a like committee on the
20 part of the House to adjust the differences between the two houses.

21 Which motion prevailed and the President announced as such committee
22 Senators Hunhoff (Chair), Johns, and Foster.

23 Sen. Schoenbeck moved that the Senate do not concur in House amendments to **SB 109** and
24 that a committee of three on the part of the Senate be appointed to meet with a like committee on
25 the part of the House to adjust the differences between the two houses.

26 Which motion prevailed and the President announced as such committee
27 Senators Schoenbeck (Chair), Wiik, and Foster.

28 Sen. Schoenbeck moved that the Senate do not concur in House amendments to **SB 117** and
29 that no committee be appointed.

30 Sen. Heinert made a substitute motion that the Senate do not concur in House amendments
31 to **SB 117** and that a committee of three on the part of the Senate be appointed to meet with a like
32 committee on the part of the House to adjust the differences between the two houses.

33 Which motion lost.

34 The question being on Sen. Schoenbeck's motion that the Senate do not concur in House
35 amendments to **SB 117** and that no committee be appointed.

1 And the roll being called:

2 Yeas 22, Nays 9, Excused 4, Absent 0

3 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
4 Hunhoff, Klumb, Maher, Novstrup, Rohl, Schoenbeck, V. J. Smith, Stalzer, Steinhauer, Tobin,
5 Wheeler, Wiik, and Zikmund

6 Nays: Foster, Frye-Mueller, Heinert, Johns, Nesiba, Herman Otten, Rusch, Schoenfish, and
7 Symens

8 Excused: Brock Greenfield, David Johnson, Kolbeck, and Sutton

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion prevailed and no committee was appointed.

11 Sen. Cammack moved that the Senate do concur in House amendments to **SB 144**.

12 The question being on Sen. Cammack's motion that the Senate do concur in House
13 amendments to **SB 144**.

14 And the roll being called:

15 Yeas 28, Nays 3, Excused 4, Absent 0

16 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
17 Foster, Hunhoff, Johns, Klumb, Maher, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck,
18 Schoenfish, V. J. Smith, Stalzer, Steinhauer, Symens, Tobin, Wheeler, Wiik, and Zikmund

19 Nays: Frye-Mueller, Heinert, and Nesiba

20 Excused: Brock Greenfield, David Johnson, Kolbeck, and Sutton

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

23 Sen. Foster moved that the Senate do not concur in House amendments to **SB 161** and that
24 a committee of three on the part of the Senate be appointed to meet with a like committee on the
25 part of the House to adjust the differences between the two houses.

26 Which motion prevailed and the President announced as such committee
27 Senators Breitling (Chair), Foster, and David Johnson.

28 Sen. Schoenbeck moved that the Senate do not concur in House amendments to **SB 174** and
29 that a committee of three on the part of the Senate be appointed to meet with a like committee on
30 the part of the House to adjust the differences between the two houses.

31 Which motion prevailed and the President announced as such committee
32 Senators Kolbeck (Chair), Duhamel, and Nesiba.

33 Sen. Hunhoff moved that the Senate do not concur in House amendments to **SB 196** and that
34 a committee of three on the part of the Senate be appointed to meet with a like committee on the
35 part of the House to adjust the differences between the two houses.

1 Which motion prevailed and the President announced as such committee
2 Senators Hunhoff (Chair), Diedrich, and Nesiba.

3 Sen. V. J. Smith moved that the Senate do not concur in House amendments to **SB 198** and
4 that a committee of three on the part of the Senate be appointed to meet with a like committee on
5 the part of the House to adjust the differences between the two houses.

6 Which motion prevailed and the President announced as such committee
7 Senators Schoenbeck (Chair), Heinert, and V. J. Smith.

8 Sen. Cammack moved that the Senate do not concur in House amendments to **SB 211** and
9 that a committee of three on the part of the Senate be appointed to meet with a like committee on
10 the part of the House to adjust the differences between the two houses.

11 Which motion prevailed and the President announced as such committee
12 Senators Cammack (Chair), Tobin, and Steinhauer.

13 Sen. Cammack moved that the Senate do not concur in House amendments to **SB 212** and
14 that a committee of three on the part of the Senate be appointed to meet with a like committee on
15 the 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 Cammack (Chair), Heinert, and Duhamel.

18 **HCR 6013:** A CONCURRENT RESOLUTION, Celebrating American heroes.

19 **HCR 6014:** A CONCURRENT RESOLUTION, Urging the federal government to fulfill treaty
20 obligations by fully funding the Oglala and Rosebud Sioux Tribe Departments of Public Safety for
21 the public safety crisis on the Pine Ridge and Rosebud Sioux Reservations.

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

23 **SIGNING OF BILLS**

24 The President publicly read the title to

25 **SB 62:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water, wastewater,
26 storm water, and nonpoint source projects and to declare an emergency.

27 **SB 97:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire the
28 incubator building located on the campus of South Dakota School of Mines and Technology, to
29 contract for the design and renovation thereof, to make an appropriation therefor, and to declare
30 an emergency.

31 **SB 130:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire property,
32 contract for the design and construction of the Dakota State University Applied Research Lab, to
33 make an appropriation therefor, and to declare an emergency.

34 **SB 155:** FOR AN ACT ENTITLED, An Act to make an appropriation for programs that assist
35 victims of domestic violence, abuse, and neglect and to declare an emergency.

36 **SB 167:** FOR AN ACT ENTITLED, An Act to clarify the certification process for teachers and
37 school administrators.

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

3 **SB 201:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and to
4 declare an emergency.

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

6 Sen. Diedrich moved that the Senate do now recess until 11:45 a.m.

7 Which motion prevailed and at 10:48 a.m., the Senate recessed.

8 **RECESS**

9 The Senate reconvened at 11:45 a.m., Senator Schoenbeck now presiding.

10 **ANNOUNCEMENTS**

11 Earlier today, the Senate did not concur in amendments to **SB 212** and a conference committee
12 was appointed. The House amendment changed the bill back to the Senate Engrossed version and
13 the bill is being engrossed and enrolled, so no conference committee is needed.

14 President Rhoden now presiding.

15 There being no objection, the Senate reverted to Order of Business No. 4 - Communications
16 and Petitions.

17 **COMMUNICATIONS AND PETITIONS**

18 March 7, 2022

19 Mr. President and Members of the Senate:

20 I have the honor to inform you that on March 7, 2022, I approved Senate Bills 1, 2, 6, 7, 15,
21 17, 68, 101, and 148, and the same have been deposited in the office of the Secretary of State.

22 Respectfully submitted,
23 Kristi Noem
24 Governor

25 **MESSAGES FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has concurred in Senate
28 amendments to **HB 1012, 1033, 1084, 1127, 1133, 1174, 1279, 1325, and 1328.**

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has failed to concur in Senate
3 amendments to **HB 1281** and has appointed Representatives Karr (Chair), Gross, and Duba as a
4 committee of three on the part of the House to meet with a like committee on the part of the Senate
5 to adjust the differences between the two houses.

6 Also MR. PRESIDENT:

7 I have the honor to inform your honorable body that the House has failed to concur in Senate
8 amendments to **HB 1306** and has appointed Representatives Finck (Chair), Gross, and Lesmeister
9 as a committee of three on the part of the House to meet with a like committee on the part of the
10 Senate to adjust the differences between the two houses.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has failed to concur in Senate
13 amendments to **HB 1209** and has appointed Representatives Kent Peterson (Chair), Reed, and
14 Duba as a committee of three on the part of the House to meet with a like committee on the part
15 of the Senate to adjust the differences between the two houses.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has failed to concur in Senate
18 amendments to **HB 1210** and has appointed Representatives Kent Peterson (Chair), Reed, and
19 Duba as a committee of three on the part of the House to meet with a like committee on the part
20 of the Senate to adjust the differences between the two houses.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has failed to concur in Senate
23 amendments to **HB 1166** and has appointed Representatives Pischke (Chair), Hansen, and
24 Lesmeister as a committee of three on the part of the House to meet with a like committee on the
25 part of the Senate to adjust the differences between the two houses.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has appointed
28 Representatives Reed (Chair), Hansen, and Stevens as a committee of three on the part of the
29 House to meet with a like committee on the part of the Senate to adjust the differences between
30 the two houses on **SB 81**.

31 Also MR. PRESIDENT:

32 I have the honor to inform your honorable body that the House has appointed
33 Representatives Karr (Chair), Howard, and Keintz as a committee of three on the part of the House
34 to meet with a like committee on the part of the Senate to adjust the differences between the two
35 houses on **SB 103**.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed
3 Representatives Bartels (Chair), May, and Cwach as a committee of three on the part of the House
4 to meet with a like committee on the part of the Senate to adjust the differences between the two
5 houses on **SB 109**.

6 Also MR. PRESIDENT:

7 I have the honor to inform your honorable body that the House has appointed
8 Representatives Blare (Chair), Wiese, and Healy as a committee of three on the part of the House
9 to meet with a like committee on the part of the Senate to adjust the differences between the two
10 houses on **SB 161**.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has appointed
13 Representatives Chris Johnson (Chair), Overweg, and Jamie Smith as a committee of three on the
14 part of the House to meet with a like committee on the part of the Senate to adjust the differences
15 between the two houses on **SB 174**.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has appointed
18 Representatives Duba (Chair), Olson, and Kevin Jensen as a committee of three on the part of the
19 House to meet with a like committee on the part of the Senate to adjust the differences between
20 the two houses on **SB 196**.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed
23 Representatives Finck (Chair), Kevin Jensen, and Cwach as a committee of three on the part of the
24 House to meet with a like committee on the part of the Senate to adjust the differences between
25 the two houses on **SB 198**.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has appointed
28 Representatives Gosch (Chair), Hansen, and Odenbach as a committee of three on the part of the
29 House to meet with a like committee on the part of the Senate to adjust the differences between
30 the two houses on **SB 211**.

31
32

Respectfully,
Patricia Miller, Chief Clerk

33

ANNOUNCEMENTS

34 The President announced Senators Hunhoff (Chair), Breitling, and Nesiba as a committee of
35 three on the part of the Senate to meet with a like committee on the part of the House to adjust
36 the differences between the two houses on **HB 1281**.

