

Committee: Senate Commerce and Energy

Tuesday, February 08, 2022 10:00 AM

Roll Call

Present: Sen. Foster, Sen. Novstrup, Sen. Schoenbeck, Sen. Stalzer, Sen. Steinhauer, Sen. Tobin, Sen. Zikmund, Sen. Wheeler, and Sen. Crabtree

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Crabtree

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 03RD

Moved by: Novstrup
Second by: Stalzer
Action: Prevailed by voice vote

SB 211 : provide statutory COVID-19 vaccine exemptions and to declare an emergency.

Presented by: Katie Hruska, Governor's Office
Proponents: Carla Schanzenbach, self, Rapid City
Opponents: Kathleen Puttmann, self, Colton
Dean Krogman, State Medical Association SD, Sioux Falls
Others: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls

MOTION: AMEND SB 211

211A

On page 1, line 13, of the Introduced bill, delete " physician" and insert " medical professional"
On page 1, line 14, of the Introduced bill, after "36-4" insert ", 36-4A, or 36-9A"
On page 1, line 17, of the Introduced bill, delete " physician" and insert " medical professional"
On page 2, line 10, of the Introduced bill, after "section." insert " Nothing in this section requires a medical professional to provide a medical exemption certificate or provide an order for an antibody test."
On page 2, line 17, of the Introduced bill, after "activation;
(3)" insert "Apply to a health care provider, facility, or supplier if compliance would result in a violation of regulations issued by the Centers for Medicare and Medicaid Services or the Center for Disease Control and Prevention;
(4) "
On page 2, line 18, of the Introduced bill, delete "(4)" and insert "(5)"
On page 2, line 20, of the Introduced bill, delete "(5)" and insert "(6)"
On page 2, line 23, of the Introduced bill, delete " injured" and insert " who suffers an adverse employment action"
Moved by: Tobin
Second by: Zikmund
Action: Prevailed by voice vote

MOTION: DO PASS SB 211 AS AMENDED

Moved by: Stalzer
Second by: Tobin
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

Voting No: Foster

SB 65 : delineate uses for the South Dakota housing opportunity fund.

Presented by: Rachel Oglesby, Governor's Office

Proponents: Representative Roger Chase, District 22

Senator David Wheeler, District 22

Yvonne Taylor, South Dakota Municipal League, Fort Pierre

David Lambert, EDPA, Mitchell

Jacob Quasney, Lloyd Companies Inc., Sioux Falls

Jeff Griffin, Greater Sioux Falls Chamber of Commerce, Sioux Falls

Ted Haeder, Greater Huron Development Corporation, Huron

Tom Johnson, Elevate Rapid City, Rapid City

Tim Dougherty, South Dakota Home Builders Association, Pierre

Denise Hanzlik, South Dakota Multi Housing Association, Sioux Falls

Matt Krogman, South Dakota Association of Realtors, Pierre

Dean Krogman, Independent Community of Bankers of South Dakota, Watertown

Karlton Adam, South Dakota Bankers Association, Pierre

Julie M Johnson, Homes For South Dakota, Sisseton

Nate Welch, Vermillion Area Chamber & Development Company, Vermillion

Erik Nelson, AARP, Sioux Falls

Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls

Jasper Diegel, SD Manufactured Housing Association, Pierre

Liliya Stone, Wall Economic Development

MOTION: AMEND SB 65

65C

On page 1, after line 2, of the Introduced bill, insert: "

Section 1. That § 11-13-2 be AMENDED:

11-13-2. There is hereby created the South Dakota housing opportunity fund to be administered by the South Dakota Housing Development Authority for the purpose of preserving and expanding sustainable, affordable, and safe housing ~~that is targeted to low and moderate income families and individuals in South Dakota in this state.~~

The authority may accept and expend, for the purposes of this chapter, any ~~funds-moneys~~ obtained from appropriations or any other source. Any ~~moneys from the general funds-fund~~ appropriated to the housing opportunity program ~~shall~~ must be transferred into the housing opportunity fund.

Disbursement of ~~funds-moneys~~ to the authority ~~shall~~ must be made after moneys in the South Dakota housing opportunity funds-fund have been obligated by the oversight commission ~~created pursuant to § 11-13-8 defined in § 11-13-1,~~ except that moneys appropriated for housing infrastructure must be disbursed to the authority upon passage.

Interest earned on money in the fund ~~shall~~ must be deposited into the fund."

On page 1, line 5, of the Introduced bill, after "subsidy" insert the comma

On page 1, line 10, of the Introduced bill, after "construction " delete "and associated infrastructure"

On page 1, line 18, of the Introduced bill, after "trust" insert ";

(7) Homebuyer assistance; and

(8) Housing infrastructure costs"

On page 1, after line 21, of the Introduced bill, insert: "

Section 3. That § 11-13-6 be AMENDED:

11-13-6. Each year, money from the South Dakota housing opportunity fund shall~~must~~ be set aside as follows:

- (1) Thirty percent ~~shall~~must be designated for use in municipalities that have a population of fifty thousand or more; and
- (2) Seventy percent ~~shall~~must be designated for the other use in areas of the state, other than those referenced in subdivision (1) of this section.

If the approved applications for any area ~~are total~~ less than the amount set aside, ~~the any~~ remaining amount may be made available for use by qualified applications applicants from the other areas.

The geographic distribution guideline takes precedence over the income targeting guideline during the evaluation of the applications.

The geographic distribution guideline is not applicable to moneys appropriated for housing infrastructure costs."

On page 1, line 23, of the Introduced bill, delete " must be targeted to serve low-to-moderate income households with that:

- (1) Have a maximum income at or below one hundred fifteen percent of the area median income based on, as determined by the United States Department of Housing and Urban Development (HUD) criteria, in accordance with the U. S. Housing Act of 1937, as amended through January 1, 2022, [42 U. S. C. 1437 et seq.]; or
- (2) Are determined, by the South Dakota Housing Development Authority, to meet the guidelines for affordable housing established in § 13-13-10. 10" and insert " must be utilized for the development of affordable housing. For purposes of this section, the term, affordable housing, means:
 - (1) Single family homes having an original selling price that is at or below the first-time homebuyer purchase price limit used by the South Dakota Housing Development Authority, as of the date the home is sold; or
 - (2) Multifamily housing units having a monthly rental rate that is at or below the calculated rent for this state's eighty percent of area median income, as used by the South Dakota Housing Development Authority.

Housing development guidelines are not applicable to moneys loaned for housing infrastructure costs"

Moved by: Wheeler

Second by: Steinhauer

Action: Prevailed by voice vote

MOTION: DO PASS SB 65 AS AMENDED

Moved by: Zikmund

Second by: Tobin

Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Foster, Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

SB 53 : make an appropriation to increase workforce housing and to declare an emergency.

Presented by: Rachel Oglesby, Governor's Office

Proponents: Representative Roger Chase, District 22

Senator David Wheeler, District 22

Yvonne Taylor, South Dakota Municipal League, Fort Pierre

David Lambert, EDPA, Mitchell
 Jacob Quasney, Lloyd Companies Inc., Sioux Falls
 Jeff Griffin, Greater Sioux Falls Chamber of Commerce, Sioux Falls
 Ted Haeder, Greater Huron Development Corporation, Huron
 Tom Johnson, Elevate Rapid City, Rapid City
 Denise Hanzlik, South Dakota Multi Housing Association, Sioux Falls
 Tim Dougherty, South Dakota Home Builders Association, Pierre
 Jasper Diegel, SD Manufactured Housing Association, Pierre
 Matt Krogman, South Dakota Association of Realtors, Pierre
 Dean Krogman, Independent Community of Bankers of South Dakota,
 Watertown
 Karlton Adam, South Dakota Bankers Association, Pierre
 Julie M Johnson, Homes For South Dakota, Sisseton
 Nate Welch, Vermillion Area Chamber & Development Company, Vermillion
 Erik Nelson, AARP, Sioux Falls
 Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls
 Liliya Stone, Wall Economic Development

MOTION: AMEND SB 53

53A

On page 1, line 4, of the Introduced bill, delete " \$150,000,000" and insert " \$50,000,000"
 On page 1, line 6, of the Introduced bill, delete " increasing housing supply" and insert " developing housing infrastructure"
 On page 1, line 10, of the Introduced bill, after "3. " insert "Until June 30, 2024, GOED must make fifty percent of the funding available to municipalities having a population of less than 50,000 and fifty percent of the funding available for all municipalities. After June 30, 2024, all remaining funding must be made available to all municipalities, regardless of their population. "
 On page 1, line 12, of the Introduced bill, after "developer." insert " GOED shall comply with any federal guidance on using the American Rescue Plan Act, Pub. L. 117-2, 135 Stat. 223 (2021) state fiscal recovery funds to provide grants for housing infrastructure, wastewater and storm water projects that comply with the purpose of this Act."
 On page 1, line 14, of the Introduced bill, after "by" insert " sections 1 to 3"
 On page 1, after line 14, of the Introduced bill, insert: "
Section 5. There is hereby transferred from the general fund the sum of \$100,000,000 to the South Dakota housing opportunity fund created under § 11-13-2. The moneys must be administrated by the South Dakota Housing Development Authority (SDHDA) for the purpose of providing moneys for revolving loans for costs relating to housing infrastructure. SDHDA shall use the amount appropriated to provide loans to entities eligible under § 11-13-4 with flexible payment structures to accommodate project cash flow."
 On page 1, after line 14, of the Introduced bill, insert: "
Section 6. No project may receive funding from both the housing opportunity fund and the local infrastructure improvement fund for the same project if the project is in a municipality with a population over 50,000."

Moved by: Schoenbeck
 Second by: Wheeler
 Action: Prevailed by voice vote

MOTION: AMEND SB 53

53C

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

Section 6. Any individual with a beneficial ownership interest, either directly or indirectly, of five percent or greater in a project that receives any of the federal grant funds under section 1 of this Act will be reported to GOED. The beneficial interest must be determined and reported at the time the grant funds are disbursed. GOED shall report to the legislature by June first of each year, until the federal grants have been fully expended. "

Moved by: Schoenbeck
Second by: Zikmund
Action: Prevailed by voice vote

MOTION: REFER SB 53 TO JOINT COMMITTEE ON APPROPRIATIONS AS AMENDED DO PASS

Moved by: Schoenbeck
Second by: Zikmund
Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Foster, Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

SB 171 : prohibit insurance policies from restricting the method of payment for dental care.

Presented by: Senator Jim Stalzer, District 11
Proponents: Paul Knecht, South Dakota Dental Association, Pierre

MOTION: AMEND SB 171

171C

On page 1, line 1, of the Introduced bill, after "prohibit" delete " health"

On page 1, line 5, of the Introduced bill, delete "A health insurance policy may not require payment for dental care by credit card." and insert "No plan of insurance insuring dental care services may contain restrictions on methods of payment to the dentist in which the only acceptable payment method is a credit card payment."

Moved by: Steinhauer
Second by: Schoenbeck
Action: Prevailed by voice vote

MOTION: DO PASS SB 171 AS AMENDED

Moved by: Schoenbeck
Second by: Foster
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Foster, Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 171 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 160 : exempt motor vehicle service contracts from the insurance code.

Presented by: Senator David Wheeler, District 22

Dennis Duncan, Motor Vehicle Protection Products Association, Tallahassee, FL

Dennis Duncan, Service Contract Industry Council, Tallahassee, FL

Doug Abraham, American Property Casualty Insurance Association, Chicago, IL

Myron L Rau, South Dakota Auto Dealers Association, Sioux Falls

MOTION: DO PASS SB 160

Moved by: Schoenbeck

Second by: Zikmund

Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Foster, Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 160 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Novstrup

Second by: Stalzer

Action: Prevailed by voice vote

Peggy Laurenz, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair