

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

NINETEENTH DAY

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

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

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by Senate page Lucy Farley.

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 18th 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

COMMUNICATIONS AND PETITIONS

2

January 20, 2022

3

The Honorable Larry Rhoden

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to

9

your consent, I have the honor to inform you that I have reappointed Steven Zellmer, of Pennington

10

County, Rapid City, South Dakota, to the South Dakota Building Authority.

11

This reappointment is effective January 18, 2022, and shall continue until January 17, 2026.

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Sincerely,

Kristi Noem

Governor

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The President announced the referral of the reappointment to the Committee on Commerce

16

and Energy.

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January 21, 2022

18

The Honorable Larry Rhoden

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President of the Senate

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State Capitol

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Pierre, SD 57501

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Dear President and Members of the Senate:

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Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to

24

your consent, I have the honor to inform you that I have reappointed James Breckenridge, of

25

Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building Authority.

26

This reappointment is effective January 7, 2022, and shall continue until January 17, 2026.

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29

Sincerely,

Kristi Noem

Governor

30

The President announced the referral of the reappointment to the Committee on Commerce

31

and Energy.

1 February 1, 2022

2 The Honorable Larry Rhoden
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your
8 consent, I have the honor to inform you that I have appointed Jarrod Johnson, of Minnehaha County,
9 Brandon, South Dakota, to the position of Interim Commissioner of School and Public Lands.

10 This appointment is effective February 1, 2022.

11 Sincerely,
12 Kristi Noem
13 Governor

14 The President announced the referral of the appointment to the Committee on Agriculture and
15 Natural Resources.

16 REPORTS OF STANDING COMMITTEES

17 MR. PRESIDENT:

18 The Committee on Senate State Affairs respectfully reports that it has had under consideration
19 **HJR 5001** and returns the same without recommendation.

20 Respectfully submitted,
21 Gary L. Cammack, Chair

22 MR. PRESIDENT:

23 The Joint Committee on Appropriations respectfully reports that it has had under consideration
24 **HB 1333** and returns the same with the recommendation that said bill be amended as follows:

25 1333A

26 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. There is hereby
27 appropriated the sum of \$38,618,949 in federal fund expenditure authority for the expenditure of
28 child care and development block grant American Rescue Plan Act moneys, to the Department of
29 Social Services, for the purpose of providing grants to new daycares to enhance their safety and
30 quality by funding equipment, technology, and infrastructure improvements."

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

32 Also MR. PRESIDENT:

33 The Joint Committee on Appropriations respectfully reports that it has had under consideration
34 **HB 1334** and returns the same with the recommendation that said bill be amended as follows:

35 1334A

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

2 **Section 5.** Whereas, this Act is necessary for the support of the state government and its
3 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
4 force and effect from and after its passage and approval."

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

6 Respectfully submitted,
7 Chris Karr, Co-Chair

Respectfully submitted,
Jean Hunhoff, Co-Chair

8 MR. PRESIDENT:

9 The Committee on Senate Education respectfully reports that it has had under consideration
10 **SB 104** and returns the same with the recommendation that said bill be amended as follows:

11 104A

12 On page 1, line 5, of the Introduced bill, after "A" delete " school"

13 On page 1, line 5, of the Introduced bill, after "board" insert " of a sparse school district, as
14 defined in § 13-13-78,"

15 On page 1, line 8, of the Introduced bill, delete "Section 2." and insert

16 On page 1, line 8, of the Introduced bill, after "2." delete " That § 13-16-6. 4 be AMENDED:

17 "

18 On page 1, line 9, of the Introduced bill, after "AMENDED:" delete "13-16-6. 4. Approval to
19 enter into an agreement or issue capital outlay certificates to which § 13-16-6. 3 applies is subject
20 to a referendum if five percent of the registered voters, based upon the total number of registered
21 voters at the last preceding general election, petition, within twenty days thereafter, to have the
22 question of approval or disapproval of the agreement or issue of capital outlay certificates or the
23 lease-purchase agreement placed upon the ballot at the next regular election or at a special election
24 called for that purpose. The question may not be voted on until one hundred eighty days after the
25 date of the public hearing in § 13-16-6. 3. The business manager shall give notice of the fact that
26 the question will be on the ballot at a regular or special election as provided by law for school
27 elections and prepare official ballots therefor according to the provisions of this title relating to
28 elections, and the issue shall must be decided by sixty percent of those voting thereon."

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

30 Also MR. PRESIDENT:

31 The Committee on Senate Education respectfully reports that it has had under consideration
32 **SB 192** and returns the same with the recommendation that said bill be referred to the Joint
33 Committee on Appropriations with a Do Pass recommendation.

34 Also MR. PRESIDENT:

35 The Committee on Senate Education respectfully reports that it has had under consideration
36 **SB 194** and returns the same with the recommendation that said bill be referred to the Joint
37 Committee on Appropriations.

1 Also MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration
3 **HB 1080** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,
5 R. Blake Curd, Chair

6 MR. PRESIDENT:

7 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
8 had under consideration **SB 184** and returns the same with the recommendation that said bill do
9 pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
12 had under consideration **SB 193** which was deferred to the 41st Legislative Day.

13 Respectfully submitted,
14 Joshua Klumb, Chair

15 MR. PRESIDENT:

16 The Committee on Senate Commerce and Energy respectfully reports that it has had under
17 consideration **SB 53** and returns the same with the recommendation that said bill be amended as
18 follows:

19 53A

20 On page 1, line 4, of the Introduced bill, delete " \$150,000,000" and insert " \$50,000,000"

21 On page 1, line 6, of the Introduced bill, delete " increasing housing supply" and insert "
22 developing housing infrastructure"

23 On page 1, line 10, of the Introduced bill, after "3. " insert "Until June 30, 2024, GOED must
24 make fifty percent of the funding available to municipalities having a population of less than 50,000
25 and fifty percent of the funding available for all municipalities. After June 30, 2024, all remaining
26 funding must be made available to all municipalities, regardless of their population. "

27 On page 1, line 12, of the Introduced bill, after "developer." insert " GOED shall comply with
28 any federal guidance on using the American Rescue Plan Act, Pub. L. 117-2, 135 Stat. 223 (2021)
29 state fiscal recovery funds to provide grants for housing infrastructure, wastewater and storm water
30 projects that comply with the purpose of this Act."

31 On page 1, line 14, of the Introduced bill, after "by" insert " sections 1 to 3"

32 On page 1, after line 14, of the Introduced bill, insert: "

33 **Section 5.** There is hereby transferred from the general fund the sum of \$100,000,000 to the
34 South Dakota housing opportunity fund created under § 11-13-2. The moneys must be
35 administrated by the South Dakota Housing Development Authority (SDHDA) for the purpose of
36 providing moneys for revolving loans for costs relating to housing infrastructure. SDHDA shall use
37 the amount appropriated to provide loans to entities eligible under § 11-13-4 with flexible payment
38 structures to accommodate project cash flow."

39 On page 1, after line 14, of the Introduced bill, insert: "

1 **Section 6.** No project may receive funding from both the housing opportunity fund and the
 2 local infrastructure improvement fund for the same project if the project is in a municipality with a
 3 population over 50,000."

4 53C

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

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

11 And that as so amended said bill be referred to the Joint Committee on Appropriations with a
 12 Do Pass recommendation.

13 Also MR. PRESIDENT:

14 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 15 consideration **SB 160** and returns the same with the recommendation that said bill do pass, and
 16 having been certified as uncontested, be placed on the consent calendar.

17 Also MR. PRESIDENT:

18 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 19 consideration **SB 65** and returns the same with the recommendation that said bill be amended as
 20 follows:

21 65C

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

23 **Section 1. That § 11-13-2 be AMENDED:**

24 **11-13-2.** There is hereby created the South Dakota housing opportunity fund to be
 25 administered by the South Dakota Housing Development Authority for the purpose of preserving
 26 and expanding sustainable, affordable, and safe housing ~~that is targeted to low and moderate~~
 27 ~~income families and individuals in South Dakota~~ in this state.

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

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

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

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

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

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

41 (7) Homebuyer assistance; and

1 (8) Housing infrastructure costs"

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

3 **Section 3. That § 11-13-6 be AMENDED:**

4 **11-13-6.** Each year, money from the South Dakota housing opportunity fund ~~shall~~must be
5 set aside as follows:

6 (1) Thirty percent ~~shall~~must be designated for use in municipalities that have a population of fifty
7 thousand or more; and

8 (2) Seventy percent ~~shall~~must be designated for the other use in areas of the state, other than
9 those referenced in subdivision (1) of this section.

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

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

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

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

19 (1) Have a maximum income at or below one hundred fifteen percent of the area median
20 income based on, as determined by the United States Department of Housing and Urban
21 Development (HUD) criteria, in accordance with the U. S. Housing Act of 1937, as amended through
22 January 1, 2022, [42 U. S. C. 1437 et seq.]; or

23 (2) Are determined, by the South Dakota Housing Development Authority, to meet the
24 guidelines for affordable housing established in § 13-13-10. 10" and insert " must be utilized for the
25 development of affordable housing. For purposes of this section, the term, affordable housing,
26 means:

27 (1) Single family homes having an original selling price that is at or below the first-time
28 homebuyer purchase price limit used by the South Dakota Housing Development Authority, as of
29 the date the home is sold; or

30 (2) Multifamily housing units having a monthly rental rate that is at or below the calculated
31 rent for this state's eighty percent of area median income, as used by the South Dakota Housing
32 Development Authority.

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

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

36 Also MR. PRESIDENT:

37 The Committee on Senate Commerce and Energy respectfully reports that it has had under
38 consideration **SB 171** and returns the same with the recommendation that said bill be amended as
39 follows:

40 171C

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

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

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

7 Also MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
9 consideration **SB 211** and returns the same with the recommendation that said bill be amended as
10 follows:

11 211A

12 On page 1, line 13, of the Introduced bill, delete " physician" and insert " medical professional"

13 On page 1, line 14, of the Introduced bill, after "36-4" insert ", 36-4A, or 36-9A"

14 On page 1, line 17, of the Introduced bill, delete " physician" and insert " medical professional"

15 On page 2, line 10, of the Introduced bill, after "section." insert " Nothing in this section
16 requires a medical professional to provide a medical exemption certificate or provide an order for
17 an antibody test."

18 On page 2, line 17, of the Introduced bill, after "activation;

19 (3)" insert "Apply to a health care provider, facility, or supplier if compliance would result in a
20 violation of regulations issued by the Centers for Medicare and Medicaid Services or the Center for
21 Disease Control and Prevention;

22 (4) "

23 On page 2, line 18, of the Introduced bill, delete "(4)" and insert "(5)"

24 On page 2, line 20, of the Introduced bill, delete "(5)" and insert "(6)"

25 On page 2, line 23, of the Introduced bill, delete " injured" and insert " who suffers an adverse
26 employment action"

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

28 Respectfully submitted,
29 Casey Crabtree, Chair

30 **MESSAGES FROM THE HOUSE**

31 MR. PRESIDENT:

32 I have the honor to inform your honorable body that the House has concurred in Senate
33 amendments to **HB 1076**.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith **HCR 6004** which has been adopted by the House and
3 your concurrence is respectfully requested.

4 Also MR. PRESIDENT:

5 I have the honor to transmit herewith **HB 1033, 1077, 1079, 1129, 1131, 1174, and 1271**
6 which have passed the House and your favorable consideration is respectfully requested.

7 Respectfully,
8 Patricia Miller, Chief Clerk

9 **MOTIONS AND RESOLUTIONS**

10 **HCR 6004:** A CONCURRENT RESOLUTION, urging the creation of safe and supportive
11 environments for students with epilepsy.

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

13 Sen. Cammack moved that **SB 101, and HB 1056** be deferred to Wednesday, February 9,
14 2022, the 20th legislative day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

18 State Affairs on **SB 62** as found on page 186 of the Senate Journal; and

19 Health and Human Services on **SB 118** as found on page 187 of the Senate Journal be adopted.

20 Which motion prevailed and the reports were adopted.

21 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

22 The Senate proceeded to the consideration of the executive appointment of David Gilbertson
23 of Brookings County, Brookings, South Dakota, to the Government Accountability Board.

24 The question being "Does the Senate advise and consent to the executive appointment of David
25 Gilbertson pursuant to the executive message as found on page 75 of the Senate Journal?"

26 And the roll being called:

27 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 question having received an affirmative vote of a majority of the members-elect, the
6 President declared the appointment confirmed.

7 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

8 The President declared that **SB 89** was withdrawn at the request of the prime sponsor pursuant
9 to JR 6B-1.1.

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

11 **HB 1131:** FOR AN ACT ENTITLED, An Act to provide for a revocation of hunting, trapping, or
12 fishing privileges.

13 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

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

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

18 Were read the first time and referred to the Committee on Commerce and Energy.

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

21 Was read the first time and referred to the Committee on Health and Human Services.

22 **HB 1079:** FOR AN ACT ENTITLED, An Act to revise provisions regarding court transcript costs.

23 Was read the first time and referred to the Committee on Judiciary.

24 **HB 1077:** FOR AN ACT ENTITLED, An Act to require certain language for the oath or affirmation
25 for civil office.

26 Was read the first time and referred to the Committee on State Affairs.

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

29 Was read the first time and referred to the Committee on Transportation.

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SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 162: FOR AN ACT ENTITLED, An Act to revise the discretionary formula for reduced taxation of new structures and residential property.

Was read the second time.

Sen. Crabtree moved that **SB 162** be amended as follows:

162C

On page 1, line 12, of the Senate Commerce and Energy Engrossed bill, remove the overstrikes from "tax increment finance"

On page 1, line 12, of the Senate Commerce and Energy Engrossed bill, after "finance" delete "taxing"

On page 1, line 12, of the Senate Commerce and Energy Engrossed bill, after "district." delete " For purposes of this"

On page 1, line 13, of the Senate Commerce and Energy Engrossed bill, after "this " delete "chapter, each political subdivision is considered to be a separate taxing district and the board of county commissioners may apply the formula differently to each of the political subdivisions located within the county."

On page 3, line 6, of the Senate Commerce and Energy Engrossed bill, delete "may " and insert "must "

On page 3, line 19, of the Senate Commerce and Energy Engrossed bill, after "construction." insert "

Any real property receiving the benefit of a discretionary formula prior to July 1, 2022, must continue to be assessed and taxed in the manner provided for in any county or municipal resolution adopted pursuant to this chapter and in effect prior to July 1, 2022, and must continue to be subject to the provisions of §§ 10-12-44, 11-9-20, and 13-13-20. 4. "

On page 3, line 28, of the Senate Commerce and Energy Engrossed bill, after "adopt " delete "all or any part of "

On page 3, line 28, of the Senate Commerce and Energy Engrossed bill, after "that " delete "was:"

On page 3, line 29, of the Senate Commerce and Energy Engrossed bill, delete "(1) Not adopted by the board of county commissioners; or

(2) Not fully " and insert "differs from any formula "

On page 3, line 30, of the Senate Commerce and Energy Engrossed bill, after "commissioners" insert ", provided the formula complies with section 2 of this Act"

On page 4, line 29, of the Senate Commerce and Energy Engrossed bill, remove the overstrikes from ", which aggregate assessed value, on"

On page 4, line 30, of the Senate Commerce and Energy Engrossed bill, remove the overstrikes from "certification to the finance officer, shall constitute"

On page 4, line 30, of the Senate Commerce and Energy Engrossed bill, after "officer, " delete "shall constitute and certify that value to the finance"

1 On page 4, line 31, of the Senate Commerce and Energy Engrossed bill, delete "officer as "
2 and insert "constitutes "

3 Which motion prevailed.

4 The question being "Shall **SB 162** 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 majority of the members-elect, the President
12 declared the bill passed and the title was agreed to.

13 **SB 179:** FOR AN ACT ENTITLED, An Act to modify certain provisions regarding municipal
14 campgrounds.

15 Was read the second time.

16 The question being "Shall **SB 179** pass?"

17 And the roll being called:

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

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

23 Nays: Duvall, Foster, Frye-Mueller, David Johnson, and Herman Otten

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 **SB 20:** FOR AN ACT ENTITLED, An Act to revise the medical purpose defense related to the
27 medical use of cannabis.

28 Was read the second time.

29 The question being "Shall **SB 20** pass as amended?"

30 And the roll being called:

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

32 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Frye-
33 Mueller, Brock Greenfield, Hunhoff, Johns, Klumb, Maher, Novstrup, Rusch, Schoenbeck, V. J. Smith,
34 Stalzer, Steinhauer, Sutton, Symens, Tobin, Wiik, and Zikmund

1 Nays: Curd, Foster, Heinert, David Johnson, Kolbeck, Nesiba, Herman Otten, Rohl, Schoenfish,
2 and Wheeler

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 **SB 102:** FOR AN ACT ENTITLED, An Act to create the medicaid expansion fund and to provide
6 for the receipt of monies received as a result of expanding medicaid eligibility.

7 Was read the second time.

8 The question being "Shall **SB 102** pass as amended?"

9 And the roll being called:

10 Yeas 21, Nays 14, Excused 0, Absent 0

11 Yeas: Breitling, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, David
12 Johnson, Klumb, Kolbeck, Maher, Nesiba, Herman Otten, Rohl, Rusch, V. J. Smith, Steinhauer,
13 Tobin, and Wheeler

14 Nays: Bolin, Cammack, Castleberry, Crabtree, Frye-Mueller, Brock Greenfield, Novstrup,
15 Schoenbeck, Schoenfish, Stalzer, Sutton, Symens, Wiik, and Zikmund

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

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

19 **HB 1069:** FOR AN ACT ENTITLED, An Act to include out-of-state convictions as a basis of an
20 enhanced penalty for certain drug crimes.

21 Was read the second time.

22 The question being "Shall **HB 1069** pass as amended?"

23 And the roll being called:

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

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

29 Nays: Foster, Heinert, Johns, Nesiba, and Rusch

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

32 **HB 1078:** FOR AN ACT ENTITLED, An Act to authorize the use of electric all-terrain and off-
33 road vehicles on public highways and to declare an emergency.

34 Was read the second time.

1 The question being "Shall **HB 1078** 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 **HB 1103:** FOR AN ACT ENTITLED, An Act to provide a reimbursement schedule for
11 chiropractic, dental, and optometric services under the Medicaid program.

12 Was read the second time.

13 The question being "Shall **HB 1103** pass as amended?"

14 And the roll being called:

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

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

20 Nays: Bolin

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

23 **SIGNING OF BILLS**

24 The President publicly read the title to

25 **HB 1028:** FOR AN ACT ENTITLED, An Act to update certain provisions related to the licensure
26 of optometrists.

27 **HB 1050:** FOR AN ACT ENTITLED, An Act to repeal obsolete lease requirements for the Black
28 Hills Playhouse.

29 **HB 1107:** FOR AN ACT ENTITLED, An Act to establish a process for requesting records
30 prepared or maintained by court services officers.

31 **HB 1108:** FOR AN ACT ENTITLED, An Act to revise provisions related to driving under the
32 influence.

33 **HB 1109:** FOR AN ACT ENTITLED, An Act to revise a provision related to the review of the
34 master jury list.

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

1 Sen. Tobin moved that the Senate do now adjourn, which motion prevailed and at 3:43 p.m.
2 the Senate adjourned.

3

Kay Johnson, Secretary

