

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 15, 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 pages Lany LaPlante and Kinzee Peterson.

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 22nd 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

February 14, 2022

3

Mr. President and Members of the Senate:

4

I have the honor to inform you that on February 14, 2022, I approved Senate Bill 9, and the same has been deposited in the office of the Secretary of State.

5

6

Respectfully submitted,

7

Kristi Noem

8

Governor

9

REPORTS OF STANDING COMMITTEES

10

MR. PRESIDENT:

11

The Committee on Senate Education respectfully reports that it has had under consideration **SB 167** and returns the same with the recommendation that said bill be amended as follows:

12

13

167B

14

On page 1, line 4, of the Introduced bill, remove the overstrikes from " or"

15

On page 1, line 4, of the Introduced bill, after "or" delete the comma

16

On page 1, line 4, of the Introduced bill, after "renew, " insert "or may "

17

On page 1, line 4, of the Introduced bill, after "revoke" delete the comma

18

On page 1, line 4, of the Introduced bill, after "suspend" insert the comma

19

On page 1, line 7, of the Introduced bill, after "1) Incompetency;

20

(2)" delete "Violation of the code of ethics, established pursuant to § 13-43-25 or 13-43-45,"

21

On page 1, line 8, of the Introduced bill, delete " as applicable, following a" and insert " A"

22

On page 1, line 10, of the Introduced bill, delete ", respectively, that the applicant or certificate holder has violated" and insert " that a violation of"

23

24

On page 1, line 11, of the Introduced bill, after "ethics" insert " established pursuant to § 13-43-25 or 13-43-45 exists"

25

26

On page 1, line 14, of the Introduced bill, after "thereto;" delete " or"

27

On page 1, line 15, of the Introduced bill, remove the overstrikes from "Moral turpitude"

28

On page 1, line 15, of the Introduced bill, after "turpitude" insert ", as defined in § 22-1-2"

29

On page 1, line 15, of the Introduced bill, remove the overstrikes from "; or"

30

On page 1, line 16, of the Introduced bill, remove the overstrikes from "(6) "

31

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

32

1 Also MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration
3 the nomination of Ani Aprahamian of St. Joseph County, Notre Dame, Indiana, to the South Dakota
4 Science and Technology Authority and returns the same with the recommendation that the Senate
5 advise and consent to the confirmation of said reappointment, and that said reappointment having
6 been certified as uncontested, be placed on the consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Senate Education respectfully reports that it has had under consideration
9 **HB 1185** and returns the same with the recommendation that said bill do pass.

10 Respectfully submitted,
11 R. Blake Curd, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Judiciary respectfully reports that it has had under consideration
14 **SB 159** and returns the same with the recommendation that said bill be amended as follows:

15 159A

16 On page 1, line 19, of the Introduced bill, after "ill," delete " means"

17 On page 1, line 19, of the Introduced bill, after "means " insert "includes diagnoses of "

18 On page 1, line 21, of the Introduced bill, delete "traumatic brain injury with psychotic features"
19 and insert " schizoaffective disorder with psychotic features"

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

21 Also MR. PRESIDENT:

22 The Committee on Senate Judiciary respectfully reports that it has had under consideration
23 **SB 172** and returns the same with the recommendation that said bill be amended as follows:

24 172A

25 On page 2, line 2, of the Introduced bill, after "the" delete " victim"

26 On page 2, line 2, of the Introduced bill, after "victim " insert "inmate "

27 172B

28 On page 1, line 8, of the Introduced bill, after "offense" insert ", except for a Class A felony,"

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

30 Also MR. PRESIDENT:

31 The Committee on Senate Judiciary respectfully reports that it has had under consideration
32 **SB 199** and returns the same with the recommendation that said bill be amended as follows:

33 199B

34 On page 1, line 14, of the Introduced bill, after "abuse," delete " has a protection order or a
35 restraining order in effect,"

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

2 Respectfully submitted,
3 Arthur Rusch, Chair

4 MR. PRESIDENT:

5 The Committee on Senate Commerce and Energy respectfully reports that it has had under
6 consideration **SB 145, 153, and 182** which were deferred to the 41st Legislative Day.

7 Also MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
9 consideration **HB 1061** and returns the same with the recommendation that said bill do pass.

10 Respectfully submitted,
11 Casey Crabtree, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
14 had under consideration **SB 181** which was deferred to the 41st Legislative Day.

15 Also MR. PRESIDENT:

16 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
17 had under consideration **SB 200** and returns the same with the recommendation that said bill be
18 referred to the Senate Committee on Appropriations with a Do Pass recommendation.

19 Also MR. PRESIDENT:

20 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
21 had under consideration **SCR 602** and returns the same with the recommendation that said
22 resolution do pass.

23 Also MR. PRESIDENT:

24 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
25 had under consideration the nomination of Jonathan E. Locken of Brown County, Bath, South
26 Dakota, to the Game, Fish and Parks Commission and returns the same with the recommendation
27 that the Senate advise and consent to the confirmation of said reappointment.

28 Also MR. PRESIDENT:

29 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
30 had under consideration the nomination of Stephanie Rissler of Clay County, Vermillion, South
31 Dakota, to the Game, Fish and Parks Commission and returns the same with the recommendation
32 that the Senate advise and consent to the confirmation of said appointment.

33 Respectfully submitted,
34 Joshua Klumb, Chair

1 MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
3 Enrolling has carefully compared **SB 91 and 138** and finds the same correctly enrolled.

4 Respectfully submitted,
5 Lee A. Schoenbeck, Chair

6 MR. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that **SB 13, 18, 87, and 88** were
8 delivered to her Excellency, the Governor, for her approval at 11:06 a.m., February 15, 2022.

9 Respectfully submitted,
10 Lee A. Schoenbeck, Chair

11 **MESSAGES FROM THE HOUSE**

12 MR. PRESIDENT:

13 I have the honor to transmit herewith **HB 1039, 1118, 1152, 1211, 1214, 1246, 1267,**
14 **and 1279** which have passed the House and your favorable consideration is respectfully requested.

15 Also MR. PRESIDENT:

16 I have the honor to return herewith **SB 91 and 138** which have passed the House without
17 change.

18 Also MR. PRESIDENT:

19 I have the honor to return herewith **SB 40** which has been amended by the House and your
20 concurrence in the amendments is respectfully requested.

21 Respectfully,
22 Patricia Miller, Chief Clerk

23 **MOTIONS AND RESOLUTIONS**

24 **SCR 605:** A CONCURRENT RESOLUTION, Celebrating the South Dakota Division of the Izaak
25 Walton League of America for its ideals and accomplishments during one hundred years of
26 conservation leadership.

27 Introduced by: **Senator** V. J. Smith

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

29 Sen. Rohl moved that the Senate do concur in House amendments to **SB 10**.

30 The question being on Sen. Rohl's motion that the Senate do concur in House amendments to
31 **SB 10**.

1 And the roll being called:

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

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

7 Nays: Novstrup

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

10 Yesterday, Sen. Brock Greenfield announced his intention to reconsider the vote by which
11 **SB 137** lost.

12 No member moved to reconsider the vote by which **SB 137** lost.

13 Yesterday, Sen. Wheeler announced his intention to reconsider the vote by which **SB 157** lost.

14 Sen. Wheeler moved that the Senate do now reconsider the vote by which **SB 157** lost.

15 The question being on Sen. Wheeler's motion to reconsider the vote by which **SB 157** lost.

16 And the roll being called:

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

18 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
19 Johns, Novstrup, Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin,
20 Wheeler, Wiik, and Zikmund

21 Nays: Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, David Johnson, Klumb,
22 Kolbeck, Maher, Nesiba, Schoenbeck, Stalzer, and Sutton

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and **SB 157** was up for reconsideration and final passage.

25 **SB 157**: FOR AN ACT ENTITLED, An Act to exempt the sale of certain goods related to
26 information technology from a gross receipts tax.

27 Having had its second reading was up for consideration and final passage.

28 Sen. Wheeler moved that **SB 157** be amended as follows:

29 157C

30 On page 3, after line 7, of the Senate Taxation Engrossed bill, insert: "

31 **Section 5.** The provisions of this Act are repealed on June 30, 2028."

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

2 The question being on Sen. Wheeler's motion that **SB 157** be amended.

3 And the roll being called:

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

5 Yeas: Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Johns,
6 Novstrup, Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin, Wheeler,
7 Wiik, and Zikmund

8 Nays: Bolin, Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, David Johnson, Klumb,
9 Kolbeck, Maher, Nesiba, Schoenbeck, Stalzer, and Sutton

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion prevailed.

12 The question being "Shall **SB 157** pass as amended?"

13 And the roll being called:

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

15 Yeas: Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Johns, Novstrup,
16 Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin, Wheeler, Wiik,
17 and Zikmund

18 Nays: Bolin, Breitling, Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, David Johnson,
19 Klumb, Kolbeck, Maher, Nesiba, Schoenbeck, Stalzer, and Sutton

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

22 **HCR 6001**: A CONCURRENT RESOLUTION, Opining that the star quilt should be recognized as
23 the official quilt of this state.

24 Was read the second time.

25 Sen. Foster moved that the Senate do concur in **HCR 6001** as found on page 239 of the Senate
26 Journal.

27 The question being on Sen. Foster's motion that **HCR 6001** be concurred in.

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

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

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 President declared the motion carried and **HCR 6001** was concurred in.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

3

The President declared that **SB 66** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

4

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

5

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HB 1118: FOR AN ACT ENTITLED, An Act to clarify when a delivery facilitation contractor may be considered an independent contractor.

7

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

9

10

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

11

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

12

13

HB 1211: FOR AN ACT ENTITLED, An Act to prohibit the enforcement of contracts limiting competition on certain matters of conscience.

14

15

HB 1267: FOR AN ACT ENTITLED, An Act to allow certain medical professionals to dispense ivermectin to persons.

16

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

17

HB 1246: FOR AN ACT ENTITLED, An Act to establish the fundamental right of a parent.

18

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

19

Were read the first time and referred to the Committee on Judiciary.

20

21

HB 1039: FOR AN ACT ENTITLED, An Act to provide for the assessment of certain agricultural land as noncropland.

22

Was read the first time and referred to the Committee on Taxation.

1

CONSIDERATION OF CONSENT EXECUTIVE REAPPOINTMENTS

2

The Senate proceeded to the consideration of the executive reappointments of Casey Peterson of Pennington County, Rapid City, South Dakota, to the South Dakota Science and Technology Authority (SJ 72), and

3

4

David Emery of Pennington County, Rapid City, South Dakota, to the Board of Economic Development (SJ 72), and

5

6

Jeffery A. Erickson of Lincoln County, Sioux Falls, South Dakota, to the Board of Economic Development (SJ 71), and

7

8

Michael V. Luken of Codington County, Watertown, South Dakota, to the Board of Economic Development (SJ 71).

9

10

The question being "Does the Senate advise and consent to the executive reappointments?"

11

And the roll being called:

12

Yeas 35, Nays 0, Excused 0, Absent 0

13

14

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

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

18

19

SECOND READING OF CONSENT CALENDAR ITEMS

20

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

21

22

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

23

24

Were read the second time.

25

The question being "Shall **SB 197 and 203** pass?"

26

And the roll being called:

27

Yeas 35, Nays 0, Excused 0, Absent 0

28

29

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

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32

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

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34

1

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

3

4

SB 52: FOR AN ACT ENTITLED, An Act to make an appropriation for the replacement of the Richmond Lake spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.

5

Was read the second time.

6

The question being "Shall **SB 52** pass?"

7

And the roll being called:

8

Yeas 35, Nays 0, Excused 0, Absent 0

9

10

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12

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

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

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SB 64: FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes and to declare an emergency.

18

Was read the second time.

19

The question being "Shall **SB 64** pass as amended?"

20

And the roll being called:

21

Yeas 35, Nays 0, Excused 0, Absent 0

22

23

24

25

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

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

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SB 67: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game, Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake and to declare an emergency.

31

Was read the second time.

32

The question being "Shall **SB 67** pass?"

33

And the roll being called:

34

Yeas 35, Nays 0, Excused 0, Absent 0

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

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

7 **SB 149:** FOR AN ACT ENTITLED, An Act to establish a restaurant meals program as part of
8 the supplemental nutrition assistance program.

9 Was read the second time.

10 The question being "Shall **SB 149** pass?"

11 And the roll being called:

12 Yeas 12, Nays 23, Excused 0, Absent 0

13 Yeas: Castleberry, Foster, Heinert, David Johnson, Klumb, Nesiba, Novstrup, Rohl, Rusch,
14 Schoenfish, Tobin, and Wheeler

15 Nays: Bolin, Breitling, Cammack, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-Mueller,
16 Brock Greenfield, Hunhoff, Johns, Kolbeck, Maher, Herman Otten, Schoenbeck, V. J. Smith, Stalzer,
17 Steinhauer, Sutton, Symens, Wiik, and Zikmund

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

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

22 Was read the second time.

23 The question being "Shall **SB 154** pass?"

24 And the roll being called:

25 Yeas 26, Nays 9, Excused 0, Absent 0

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

29 Nays: Frye-Mueller, Brock Greenfield, Klumb, Kolbeck, Maher, Herman Otten, Sutton, Symens,
30 and Wiik

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

33 **SB 173:** FOR AN ACT ENTITLED, An Act to establish standards for live or photographic lineups
34 conducted by law enforcement.

35 Was read the second time.

1 The question being "Shall **SB 173** pass as amended?"

2 And the roll being called:

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

4 Yeas: Castleberry, Diedrich, Foster, Heinert, Johns, David Johnson, Nesiba, Rohl, Rusch,
5 Schoenfish, Steinhauer, Tobin, and Wheeler

6 Nays: Bolin, Breitling, Cammack, Crabtree, Curd, Duhamel, Duvall, Frye-Mueller, Brock
7 Greenfield, Hunhoff, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Schoenbeck, V. J. Smith,
8 Stalzer, Sutton, Symens, Wiik, and Zikmund

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

11 **SB 186**: FOR AN ACT ENTITLED, An Act to expand Medicaid eligibility by the Legislature.

12 Was read the second time.

13 The question being "Shall **SB 186** pass?"

14 And the roll being called:

15 Yeas 12, Nays 23, Excused 0, Absent 0

16 Yeas: Breitling, Diedrich, Foster, Heinert, Hunhoff, Johns, Nesiba, Rusch, Schoenfish, V. J.
17 Smith, Steinhauer, and Tobin

18 Nays: Bolin, Cammack, Castleberry, Crabtree, Curd, Duhamel, Duvall, Frye-Mueller, Brock
19 Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Rohl, Schoenbeck,
20 Stalzer, Sutton, Symens, Wheeler, Wiik, and Zikmund

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

23 **SB 205**: FOR AN ACT ENTITLED, An Act to index a certain level of municipal proceeds regarding
24 the disbursements from the Gaming Commission fund to an inflation index.

25 Was read the second time.

26 Sen. Johns moved that **SB 205** be amended as follows:

27 205A

28 On page 1, line 1, of the Introduced bill, delete "index" and insert "change"

29 On page 1, line 2, of the Introduced bill, after "fund" delete " to an inflation index"

30 On page 1, line 7, of the Introduced bill, after "thousand " insert "one hundred thousand "

31 On page 1, line 7, of the Introduced bill, after "year" delete ", adjusted annually according to
32 an index factor effective July 1, 2022,"

33 On page 1, line 23, of the Introduced bill, after "fund." delete "

1 The index factor is the annual percentage change in the consumer price index for urban wage
2 earners and clerical workers as computed by the Bureau of Labor Statistics of the United States
3 Department of Labor for the year before the year immediately preceding the year of adjustment."

4 Sen. Wiik requested that JR 5-17 be invoked on **SB 205**.

5 Which request was supported and **SB 205** with Sen. Johns' pending motion to amend was
6 deferred until, Thursday, February 17, 2022, the 25th legislative day.

7 **SB 207**: FOR AN ACT ENTITLED, An Act to enact the uniform electronic recordation of custodial
8 interrogations act.

9 Was read the second time.

10 Sen. Johns moved that **SB 207** be amended as follows:

11 207B

12 On page 1, line 11, of the Senate Judiciary Engrossed bill, delete " in custody" and insert " not
13 free to leave"

14 Which motion prevailed.

15 The question being "Shall **SB 207** pass as amended?"

16 And the roll being called:

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

18 Yeas: Castleberry, Foster, Heinert, Johns, Nesiba, Herman Otten, Rohl, Rusch, Schoenfish, V.
19 J. Smith, Steinhauer, Tobin, and Wheeler

20 Nays: Bolin, Breitling, Cammack, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-Mueller,
21 Brock Greenfield, Hunhoff, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Schoenbeck, Stalzer,
22 Sutton, Symens, Wiik, and Zikmund

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

25 **SIGNING OF BILLS**

26 The President publicly read the title to

27 **SB 91**: FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain lights
28 by county highway department authorized vehicles.

29 **SB 138**: FOR AN ACT ENTITLED, An Act to clarify provisions related to filing a petition to refer
30 an ordinance or resolution.

31 **HB 1075**: FOR AN ACT ENTITLED, An Act to modify legal and official notice publication
32 requirements.

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

3 **HB 1085:** FOR AN ACT ENTITLED, An Act to expand the eligibility for a small estate probate.

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

5 **COMMEMORATIONS**

6 **SC 805:** A LEGISLATIVE COMMEMORATION, honoring Donna and Floyd Cammack on the
7 occasion of their seventieth wedding anniversary.

8 Introduced by: **Senators** Cammack, Crabtree, Schoenbeck, Schoenfish, V. J. Smith, Wiik, and
9 Zikmund and **Representatives** Bartels, Chaffee, Finck, Perry, and Wiese

10 **SC 806:** A LEGISLATIVE COMMEMORATION, commending the Rapid City Babe Ruth 14U
11 Braves baseball team for being the first South Dakota team to reach the Babe Ruth World Series.

12 Introduced by: **Senators** Zikmund, Castleberry, Duhamel, Duvall, Frye-Mueller, Brock
13 Greenfield, David Johnson, Kolbeck, Nesiba, Schoenbeck, Schoenfish, V. J. Smith, Steinhauer,
14 Symens, and Wiik and **Representatives** Derby, Bartels, Barthel, Bordeaux, Duba, Haugaard,
15 Hoffman, Lesmeister, Mills, Olson, Perry, Pourier, and Jamie Smith

16 Sen. Klumb moved that the Senate do now adjourn, which motion prevailed and at 4:35 p.m.
17 the Senate adjourned.

18 Kay Johnson, Secretary

