

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

FIFTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 01, 2023

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate page Hawi Meshesha.

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 14th 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 Senate Transportation respectfully reports that it has had under
4 consideration **HB 1036** and returns the same with the recommendation that said bill do pass.

5 Also Mr. President:

6 The Committee on Senate Transportation respectfully reports that it has had under
7 consideration the nomination of Joel Jundt of Hughes County, Pierre, South Dakota, to the position
8 of Secretary of the Department of Transportation and returns the same with the recommendation
9 that the Senate advise and consent to the confirmation of said reappointment, and that said
10 reappointment having been certified as uncontested, be placed on the consent calendar.

11 Also Mr. President:

12 The Committee on Senate Transportation respectfully reports that it has had under
13 consideration **SB 145, and HB 1013** and returns the same with the recommendation that said bills
14 do pass, and having been certified as uncontested, be placed on the consent calendar.

15
16

Respectfully submitted,
Joshua Klumb, Chair

17 Mr. President:

18 The Committee on Senate Health and Human Services respectfully reports that it has had
19 under consideration **SB 78 and 87** and returns the same with the recommendation that said bills
20 do pass.

21 Also Mr. President:

22 The Committee on Senate Health and Human Services respectfully reports that it has had
23 under consideration **HCR 6002 and 6003** and returns the same with the recommendation that said
24 resolutions be adopted, and having been certified as uncontested, be placed on the consent
25 calendar.

26
27

Respectfully submitted,
Erin Tobin, Chair

28 Mr. President:

29 The Committee on Senate State Affairs respectfully reports that it has had under consideration
30 **SB 55 and 132** and returns the same with the recommendation that said bills do pass.

31 Also Mr. President:

32 The Committee on Senate State Affairs respectfully reports that it has had under consideration
33 **SB 102** and returns the same with the recommendation that said bill do pass, and having been
34 certified as uncontested, be placed on the consent calendar.

35 Also Mr. President:

36 The Committee on Senate State Affairs respectfully reports that it has had under consideration
37 **SB 107** which was deferred to the 41st Legislative Day.

1 Also Mr. President:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 3 **SB 116** and returns the same with the recommendation that said bill be amended as follows:

4 116A

5 On page 1, line 22, of the Introduced bill, delete "The " and insert "In the event of an
 6 intervention pursuant to section 1 of this Act, the "

7 116B

8 On page 2, line 1, of the Introduced bill, delete "Legislature" and insert "Executive Board of
 9 the Legislative Research Council"

10 On page 2, line 1, of the Introduced bill, after "settlement " delete "or "

11 And that as so amended, **SB 116** do pass.

12 Respectfully submitted,
 13 Casey Crabtree, Chair

14 Mr. President:

15 The Committee on Senate Taxation respectfully reports that it has had under consideration
 16 **SB 99** and returns the same with the recommendation that said bill do pass.

17 Respectfully submitted,
 18 Jim Stalzer, Chair

19 Mr. President:

20 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
 21 Enrolling has carefully compared **SB 27 and 30** and finds the same correctly enrolled.

22 Respectfully submitted,
 23 Lee A. Schoenbeck, Chair

24 Mr. President:

25 The Committee on Senate Local Government respectfully reports that it has had under
 26 consideration **SB 80** which was deferred to the 41st Legislative Day.

27 Also Mr. President:

28 The Committee on Senate Local Government respectfully reports that it has had under
 29 consideration **HB 1057** and returns the same with the recommendation that said bill do pass.

30 Also Mr. President:

31 The Committee on Senate Local Government respectfully reports that it has had under
 32 consideration **SB 83** and returns the same with the recommendation that said bill do pass, and
 33 having been certified as uncontested, be placed on the consent calendar.

1 Also Mr. President:

2 The Committee on Senate Local Government respectfully reports that it has had under
 3 consideration **SB 86** and returns the same with the recommendation that said bill be amended as
 4 follows:

5 86A

6 On page 1, line 6, of the Introduced bill, delete " to be a member of a" and insert " for"

7 On page 1, line 7, of the Introduced bill, delete " committee" and insert " committeeman or
 8 committeewoman"

9 On page 1, line 8, of the Introduced bill, delete " with the auditor of the county in which the
 10 candidate seeks to be a member of a party precinct committee" and insert ", with the county auditor
 11 of the county in which he or she is a candidate"

12 On page 1, line 14, of the Introduced bill, delete " to be a member of a party" and insert " for"

13 On page 1, line 15, of the Introduced bill, delete " committee" and insert " committeeman or
 14 committeewoman, as the case may be"

15 And that as so amended, **SB 86** do pass, and having been certified as uncontested, be placed
 16 on the consent calendar.

17 Respectfully submitted,
 18 Tim Reed, Chair

19 **REPORTS OF SELECT COMMITTEES**

20 Mr. President:

21 Your Select Committee on Discipline and Expulsion respectfully reports that it has completed
 22 its investigation of the conduct of Senator Julie Frye-Mueller; and, after due deliberation,
 23 recommends that the Senate do now endorse the finding of the Select Committee that Senator Julie
 24 Frye-Mueller should, and by the approval of three-fifths vote of the Senate shall be, censured for
 25 conduct by a senator unbecoming the Senate. Specifically, the Select Committee finds, and requests
 26 the Senate concur in its finding, that Senator Julie Frye-Mueller engaged in harassment, as specified
 27 in Joint Rule 1B-3(2), that had the effect of unreasonably interfering with an individual employee's
 28 work performance and creating an intimidating working environment in the Legislative Research
 29 Council.

30 The Select Committee finds, and the Senate to concur, that Senator Julie Frye-Mueller's
 31 suspension is part of the Senate discipline for bringing the Honor of the Senate into public disrepute.
 32 The Select Committee further recommends the Senate immediately lift the suspension of Senator
 33 Julie Frye-Mueller.

34 Finally, to ensure that an intimidating work environment does not re-occur during the
 35 remainder of the Ninety-eighth Legislative Session, the Select Committee recommends that Senator
 36 Julie Frye-Mueller's interaction and contact with staff of the Legislative Research Council, including
 37 interns and pages, be limited to the director or the director's designees.

38 Respectfully submitted,
 39 David Wheeler, Chair

1 Sen. Wheeler moved that the report of the Senate Select Committee on Discipline and
2 Expulsion be adopted.

3
4 The question being on Sen. Wheeler's motion that the report of the Senate Select Committee
5 on Discipline and Expulsion be adopted.

6
7 And the roll being called:

8 Yeas 33, Nays 1, Excused 0, Absent 0, Suspended 1

9 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
10 Duhamel, Foster, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve
11 Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck,
12 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

13 Nays: Pischke

14 Suspended: Frye-Mueller

15 So the motion having received an affirmative vote of a three-fifths majority of the members-
16 elect, the President declared the motion carried.

17 MESSAGES FROM THE HOUSE

18 Mr. President:

19 I have the honor to transmit herewith **HB 1026, 1027, 1034, 1091, and 1114, and**
20 **HJR 5004** which have passed the House and your favorable consideration is respectfully requested.

21 Also Mr. President:

22 I have the honor to return herewith **SB 11** which has been amended by the House and your
23 concurrence in the amendments is respectfully requested.

24 Also Mr. President:

25 I have the honor to return herewith **SB 30** which has passed the House without change.

26 Respectfully,
27 Patricia Miller, Chief Clerk

28 MOTIONS AND RESOLUTIONS

29 **SCR 604:** A CONCURRENT RESOLUTION, Urging the United States Congress to re-introduce
30 the Consumer and Fuel Retailer Choice Act.

31 Was read the second time.

32 Sen. Schoenbeck moved that **SCR 604** as found on page 147 of the Senate Journal be
33 adopted.

34 The question being on Sen. Schoenbeck's motion that **SCR 604** be adopted.

1 And the roll being called:

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

3 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
4 Duhamel, Foster, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve
5 Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl,
6 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

7 Absent: Frye-Mueller

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and **SCR 604** was adopted.

10 **SR 702:** A RESOLUTION, Supporting Tribal Nation members' access to fish on lands adjacent
11 to tribal lands without a fishing license.

12 Introduced by: **Senator** Foster

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

14 **SCR 605:** A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislature
15 to authorize and form a legislative task force to study the issues on, and to consider, develop, and
16 report recommendations and propose legislation on, sustainable improvements to the affordability
17 and availability of childcare in South Dakota.

18 Introduced by: **Senator** Reed

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

20 **SR 701:** A RESOLUTION, Urging the South Dakota Department of Transportation to reconsider
21 the three-lane proposal for State Highway 46.

22 Introduced by: **Senator** Bordeaux

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

24 **CONSIDERATION OF REPORTS OF COMMITTEES**

25 Sen. Crabtree moved that the report of the Standing Committee on

26 Judiciary on **HB 1064** as found on page 144 of the Senate Journal be adopted.

27 Which motion prevailed and the report was adopted.

1

CONSIDERATION OF EXECUTIVE APPOINTMENTS

2

3 The Senate proceeded to the consideration of the executive appointment of Matt Althoff of
4 Lincoln County, Sioux Falls, South Dakota, to the position of Secretary of the Department of Social
5 Services.

5

6 The question being "Does the Senate advise and consent to the executive appointment of Matt
7 Althoff pursuant to the executive message as found on page 82 of the Senate Journal?"

7

8 And the roll being called:

8

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

9

10 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
11 Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck,
12 Steve Kolbeck, Larson, Maher, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck,
13 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

13

14 Nays: Mehlhaff

14

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

16

17 The Senate proceeded to the consideration of the executive appointment of Melissa Magstadt
18 of Hamlin County, Castlewood, South Dakota, to the position of Secretary of the Department of
19 Health.

19

20 The question being "Does the Senate advise and consent to the executive appointment of
21 Melissa Magstadt pursuant to the executive message as found on page 84 of the Senate Journal?"

21

22 And the roll being called:

22

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

23

24 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
25 Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck,
26 Steve Kolbeck, Larson, Maher, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck,
27 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

27

28 Nays: Mehlhaff

28

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

30

31 The Senate proceeded to the consideration of the executive appointment of Shawnie
32 Rechtenbaugh of Hughes County, Pierre, South Dakota, to the position of Secretary of the
33 Department of Human Services.

33

34 The question being "Does the Senate advise and consent to the executive appointment of
35 Shawnie Rechtenbaugh pursuant to the executive message as found on page 86 of the Senate
36 Journal?"

36

37 And the roll being called:

37

Yeas 29, Nays 6, Excused 0, Absent 0

1 Yeas: Beal, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster,
2 Hunhoff, David Johnson, Klumb, Steve Kolbeck, Larson, Maher, Mehlhaff, Novstrup, Herman Otten,
3 Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

4 Nays: Bolin, Bordeaux, Frye-Mueller, Brent "B.R." Hoffman, Jack Kolbeck, and Nesiba

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

7 Sen. Pischke requested that the nomination of Craig Price be removed from the Consent
8 Calendar.

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

10 **SB 203:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
11 the legislative, judicial, and executive departments of the state, the current expenses of state
12 institutions, interest on the public debt, and for common schools.

13 Introduced by: The Senate Committee on Appropriations at the request of the Governor

14 Was read the first time and referred to the Joint Committee on Appropriations.

15 **SB 184:** FOR AN ACT ENTITLED, An Act to make an appropriation of American Rescue Plan
16 Act monies for preconstruction activities of regional water system projects and to declare an
17 emergency.

18 Introduced by: **Senator** Herman Otten

19 **SB 185:** FOR AN ACT ENTITLED, An Act to establish the Committee on Foreign Investment in
20 the United States – South Dakota and revise provisions related to the foreign ownership or control
21 of agricultural land.

22 Introduced by: **Senator** Tobin

23 **SB 195:** FOR AN ACT ENTITLED, An Act to authorize the redistricting of water development
24 district director areas by the district's board of directors.

25 Introduced by: **Senator** Nesiba

26 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

27 **SB 188:** FOR AN ACT ENTITLED, An Act to add a provision regarding the use of a designated
28 refrigerant.

29 Introduced by: **Senator** Steve Kolbeck

30 **SB 194:** FOR AN ACT ENTITLED, An Act to to establish certain provisions regarding fairness in
31 repairs of equipment sold or used in this state.

32 Introduced by: **Senator** Pischke

33 **SB 209:** FOR AN ACT ENTITLED, An Act to authorize sports wagering in certain licensed
34 alcoholic beverage retailer establishments.

1 Introduced by: **Senator** Maher

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

3 **SB 196:** FOR AN ACT ENTITLED, An Act to provide for the study of long-term care services
4 and to provide an appropriation therefor.

5 Introduced by: **Senator** Hunhoff

6 Was read the first time and referred to the Senate Committee on Appropriations.

7 **SB 187:** FOR AN ACT ENTITLED, An Act to require schools to provide instruction on South
8 Dakota's tribal history, culture, and government.

9 Introduced by: **Senator** Bordeaux

10 **SB 193:** FOR AN ACT ENTITLED, An Act to establish provisions related to the review and
11 selection of instructional materials in school districts.

12 Introduced by: **Senator** Castleberry

13 Were read the first time and referred to the Committee on Education.

14 **SB 191:** FOR AN ACT ENTITLED, An Act to establish the task force to address the welfare of
15 Indian children in South Dakota.

16 Introduced by: **Senator** Foster

17 **SB 198:** FOR AN ACT ENTITLED, An Act to allow medical cannabis establishments to maintain
18 certain cardholder data and to declare an emergency.

19 Introduced by: **Senator** Davis

20 **SB 201:** FOR AN ACT ENTITLED, An Act to exclude delta-9 tetrahydrocannabinol from felony
21 ingestion charges.

22 Introduced by: **Senator** Rohl

23 **SB 204:** FOR AN ACT ENTITLED, An Act to expand critical incident stress management to
24 health care facility personnel providing emergency services.

25 Introduced by: **Senator** Diedrich

26 **SB 205:** FOR AN ACT ENTITLED, An Act to require mental health evaluations for inpatient
27 treatment of controlled substance use.

28 Introduced by: **Senator** Rohl

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

30 **SB 192:** FOR AN ACT ENTITLED, An Act to provide liability for the publishing or distributing of
31 material harmful to minors on the internet and the wrongful retention of individually identifiable
32 information.

33 Introduced by: **Senator** Castleberry

-
- 1 **SB 206:** FOR AN ACT ENTITLED, An Act to clarify good cause for the purpose of continuing an
2 involuntary commitment hearing.
- 3 Introduced by: **Senator** Duhamel
- 4 **SB 208:** FOR AN ACT ENTITLED, An Act to require financial institutions to report exploitation
5 of an elder or an adult with a disability.
- 6 Introduced by: **Senator** Wheeler
- 7 Were read the first time and referred to the Committee on Judiciary.
- 8 **SB 183:** FOR AN ACT ENTITLED, An Act to remove a one-year requirement for legal
9 newspapers.
- 10 Introduced by: **Senator** Novstrup
- 11 **SB 200:** FOR AN ACT ENTITLED, An Act to authorize participation in contracts by certain board
12 members and employees of water districts.
- 13 Introduced by: **Senator** Schoenfish
- 14 Were read the first time and referred to the Committee on Local Government.
- 15 **SB 186:** FOR AN ACT ENTITLED, An Act to provide free tuition for a resident whose parent
16 died while on active duty in the United States armed forces.
- 17 Introduced by: **Senator** Reed
- 18 Was read the first time and referred to the Committee on Military and Veterans Affairs.
- 19 **SB 189:** FOR AN ACT ENTITLED, An Act to prohibit state agencies from contracting with
20 companies owned or controlled by certain foreign entities or governments.
- 21 Introduced by: **Senator** Stalzer
- 22 **SB 197:** FOR AN ACT ENTITLED, An Act to prohibit the spouse of a member of the Legislature
23 from being employed as a private lobbyist.
- 24 Introduced by: **Senator** Rohl
- 25 **SB 207:** FOR AN ACT ENTITLED, An Act to provide a penalty for the expenditure of public
26 funds to influence the outcome of an election.
- 27 Introduced by: **Senator** Wheeler
- 28 Were read the first time and referred to the Committee on State Affairs.
- 29 **SB 202:** FOR AN ACT ENTITLED, An Act to exempt from the state use tax the fair market value
30 of goods given without charge.
- 31 Introduced by: **Senator** Novstrup
- 32 Was read the first time and referred to the Committee on Taxation.

1 **SB 190:** FOR AN ACT ENTITLED, An Act to designate a portion of U.S. Highway 83 as Sicangu
2 Lakota Code Talker Highway.

3 Introduced by: **Senator** Bordeaux

4 **SB 199:** FOR AN ACT ENTITLED, An Act to clarify the requirements for using state aircraft and
5 vehicles.

6 Introduced by: **Senator** Nesiba

7 Were read the first time and referred to the Committee on Transportation.

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

9 **HB 1091:** FOR AN ACT ENTITLED, An Act to amend provisions of the insurance statutes
10 regarding producer recommendations and responsibilities.

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

12 **HJR 5004:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
13 election, an amendment to the Constitution of the State of South Dakota, authorizing the state to
14 impose work requirements on certain individuals who are eligible for expanded Medicaid.

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

16 **HB 1114:** FOR AN ACT ENTITLED, An Act to revise the qualifications to be a member of a
17 county recount board.

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

19 **HB 1026:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
20 suppression of wildfires in the state and to declare an emergency.

21 **HB 1027:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
22 disasters in the state and to declare an emergency.

23 **HB 1034:** FOR AN ACT ENTITLED, An Act to modify tax refunds for elderly persons and persons
24 with a disability, to make an appropriation therefor, and to declare an emergency.

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

27 **SECOND READING OF CONSENT CALENDAR ITEMS**

28 Sen. Pischke requested that **HB 1063** be removed from the Consent Calendar.

1 **HB 1002:** FOR AN ACT ENTITLED, An Act to update the official code of laws.

2 **HB 1028:** FOR AN ACT ENTITLED, An Act to modify expiration dates and enforcement actions
3 pertaining to pesticide applicator licenses.

4 **HB 1071:** FOR AN ACT ENTITLED, An Act to establish use of force course standards.

5 Were read the second time.

6 The question being "Shall **HB 1002, 1028, and 1071** pass?"

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

9 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
10 Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck,
11 Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl,
12 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

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

15 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 **SB 14:** FOR AN ACT ENTITLED, An Act to revise the legal description for the construction of a
17 National Guard Readiness Center in Sioux Falls, make an additional appropriation therefor, and to
18 declare an emergency.

19 Was read the second time.

20 The question being "Shall **SB 14** pass as amended?"

21 And the roll being called:

22 Yeas 33, Nays 1, Excused 1, Absent 0

23 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
24 Duhamel, Foster, Frye-Mueller, Hunhoff, David Johnson, Jack Kolbeck, Steve Kolbeck, Larson,
25 Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish,
26 Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

27 Nays: Brent "B.R." Hoffman

28 Excused: Klumb

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

31 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain operations obtain their own
32 general or individual water pollution permits .

33 Was read the second time.

1 The question being "Shall **SB 92** pass?"

2 And the roll being called:

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

4 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
5 Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck,
6 Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl,
7 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

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

10 **SB 95**: FOR AN ACT ENTITLED, An Act to amend provisions regarding trusts.

11 Was read the second time.

12 The question being "Shall **SB 95** pass?"

13 And the roll being called:

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

15 Yeas: Beal, Bolin, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster,
16 Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck,
17 Larson, Maher, Mehlhaff, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish,
18 Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

19 Nays: Bordeaux and Nesiba

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 **SB 117**: FOR AN ACT ENTITLED, An Act to increase dollar limits related to play on video lottery
23 machines.

24 Was read the second time.

25 The question being "Shall **SB 117** pass?"

26 And the roll being called:

27 Yeas 17, Nays 18, Excused 0, Absent 0

28 Yeas: Beal, Crabtree, Davis, Diedrich, Duhamel, Hunhoff, David Johnson, Jack Kolbeck, Steve
29 Kolbeck, Maher, Reed, Rohl, Schoenbeck, Schoenfish, Tobin, Wheeler, and Zikmund

30 Nays: Bolin, Bordeaux, Breitling, Castleberry, Deibert, Foster, Frye-Mueller, Brent "B.R."
31 Hoffman, Klumb, Larson, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Stalzer, Wiik, and
32 Wink

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

35 Sen. Maher announced his intention to reconsider the vote by which **SB 117** lost.

1 **SB 101:** FOR AN ACT ENTITLED, An Act to provide the Department of Health with oversight
 2 authority for the provision of emergency medical services.

3 Was read the second time.

4 The question being "Shall **SB 101** pass?"

5 And the roll being called:

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

7 Yeas: Beal, Bolin, Bordeaux, Castleberry, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster,
 8 David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Nesiba, Herman Otten, Reed,
 9 Rohl, Schoenbeck, Schoenfish, Tobin, Wheeler, and Wiik

10 Nays: Breitling, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, Mehlhaff, Novstrup, Pischke,
 11 Stalzer, Wink, and Zikmund

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

14 **SB 75:** FOR AN ACT ENTITLED, An Act to revise provisions related to parental support for
 15 expenses related to pregnancy and childbirth.

16 Was read the second time.

17 The question being "Shall **SB 75** pass?"

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
 21 Duhamel, Foster, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck,
 22 Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl,
 23 Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

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 67:** FOR AN ACT ENTITLED, An Act to revise provisions related to emergency and
 27 involuntary commitment for alcohol and drug abuse.

28 Was read the second time.

29 Sen. Tobin moved that **SB 67** be amended as follows:

30 67B

31 On page 1, line 22, of the Senate Health and Human Services Engrossed bill, remove the
 32 overstrikes from ""Department," the Department of Social Services;"

33 On page 2, line 3, of the Senate Health and Human Services Engrossed bill, after "state;

34 (6)" insert "(5)"

1 On page 2, line 3, of the Senate Health and Human Services Engrossed bill, remove the
2 overstrikes from " department"

3 On page 2, line 3, of the Senate Health and Human Services Engrossed bill, after "department"
4 delete " Department of Social Services"

5 On page 2, line 5, of the Senate Health and Human Services Engrossed bill, delete "(5)" and
6 insert "(6)"

7 On page 2, line 9, of the Senate Health and Human Services Engrossed bill, delete "(6)" and
8 insert "(7)"

9 On page 2, line 13, of the Senate Health and Human Services Engrossed bill, delete "(7)" and
10 insert "(8)"

11 On page 2, line 15, of the Senate Health and Human Services Engrossed bill, delete "(8)" and
12 insert "(9)"

13 On page 2, line 18, of the Senate Health and Human Services Engrossed bill, delete "(9)" and
14 insert "(10)"

15 On page 2, line 23, of the Senate Health and Human Services Engrossed bill, delete "(10)" and
16 insert "(11)"

17 Which motion prevailed.

18 Sen. Wheeler moved that **SB 67** be amended as follows:

19 67F

20 On page 3, after line 15, of the Senate Health and Human Services Engrossed bill, insert: "

21 **Section 5. That § 34-20A-70 be AMENDED:**

22 **34-20A-70.** A person may be committed by the circuit court upon the petition of the person's
23 spouse or guardian, a relative, a physician, the administrator of any approved treatment facility, or
24 any other responsible person. Any person applying for commitment shall do so to the circuit court
25 through the clerk of courts of the county in which the person to be committed resides or is present.
26 The circuit court judge, upon receipt of a written application prepared by the clerk of courts, shall
27 appoint an attorney to represent the applicant. The appointed attorney shall investigate the grounds
28 upon which the application is based and shall within five days, excluding Saturdays, Sundays, and
29 legal holidays, ~~submit a petition for commitment and~~ a written report to the circuit court as to
30 whether probable cause exists that the person subject of the petition is an alcoholic or drug abuser.
31 All information obtained as a result of the investigation and written report shall be documented and
32 made a part of the record of any further proceedings. The petition shall allege that the person is an
33 alcoholic or drug abuser who habitually lacks self-control as to the use of alcoholic beverages or
34 other drugs and:

35 (1) Has threatened, attempted, or inflicted physical harm on himself or herself or on
36 another and that unless committed is likely to inflict harm on himself or herself or on another; or

37 (2) Is incapacitated by the effects of alcohol or drugs; or

38 (3) Is pregnant and abusing alcohol or drugs.

39 A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need
40 for treatment."

1 On page 4, line 27, of the Senate Health and Human Services Engrossed bill, after "be " insert
 2 "personally "

3 On page 4, line 27, of the Senate Health and Human Services Engrossed bill, after "the " insert
 4 "person whose commitment is sought and served by mail on the "

5 On page 4, line 27, of the Senate Health and Human Services Engrossed bill, after "petitioner,"
 6 delete " the person whose commitment is sought,"

7 On page 4, line 31, of the Senate Health and Human Services Engrossed bill, after "advisable.
 8 " delete "A copy of the petition and certificate must be delivered to each person notified."

9 Which motion prevailed.

10 The question being "Shall **SB 67** pass as amended?"

11 And the roll being called:

12 Yeas 33, Nays 1, Excused 1, Absent 0

13 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
 14 Duhamel, Foster, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve
 15 Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck,
 16 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

17 Nays: Pischke

18 Excused: Frye-Mueller

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

21 **SB 70: FOR AN ACT ENTITLED, An Act to revise provisions related to courtroom modifications**
 22 **for child witnesses.**

23 Was read the second time.

24 The question being "Shall **SB 70** pass as amended?"

25 And the roll being called:

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

27 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
 28 Duhamel, Foster, Brent "B.R." Hoffman, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve
 29 Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck,
 30 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

31 Nays: Frye-Mueller and Pischke

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

1 **SB 12:** FOR AN ACT ENTITLED, An Act to authorize the construction of a National Guard vehicle
2 maintenance shop in Watertown, to make an appropriation therefor, and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **SB 12** pass?"

5 And the roll being called:

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

7 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
8 Duhamel, Foster, Frye-Mueller, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck,
9 Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Schoenbeck, Schoenfish,
10 Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

11 Nays: Brent "B.R." Hoffman and Rohl

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

14 **SB 13:** FOR AN ACT ENTITLED, An Act to authorize the construction of an addition to the BG
15 Dean Mann Readiness Center in Sioux Falls, to make an appropriation therefor, and to declare an
16 emergency.

17 Was read the second time.

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

19 And the roll being called:

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

21 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
22 Duhamel, Foster, Frye-Mueller, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck,
23 Larson, Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck,
24 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, Wink, and Zikmund

25 Nays: Brent "B.R." Hoffman

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

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

29 **HB 1025:** FOR AN ACT ENTITLED, An Act to revise the fees for registration of an apiary.

30 Was read the second time.

31 The question being "Shall **HB 1025** pass?"

32 And the roll being called:

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

1 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
2 Duhamel, Foster, Hunhoff, David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher,
3 Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin,
4 Wheeler, Wiik, Wink, and Zikmund

5 Nays: Frye-Mueller, Brent "B.R." Hoffman, and Pischke

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

8 **SIGNING OF BILLS**

9 The President publicly read the title to

10 **SB 27:** FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances
11 schedule and to declare an emergency.

12 **SB 30:** FOR AN ACT ENTITLED, An Act to revise the criteria for remote sellers who must remit
13 sales tax.

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

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

17 Kay Johnson, Secretary