

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 22, 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 pages Grace Barnett and Luke Worsley.

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 26th 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.

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REPORTS OF STANDING COMMITTEES

Mr. President:

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

172B

On page 1, line 1, of the Introduced bill, delete "increase the" and insert "make an"

On page 1, line 1, of the Introduced bill, delete "construction " and insert "design "

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

Section 1. There is hereby appropriated from the general fund the sum of \$1,500,000 to the Board of Regents to contract for design, architectural and engineering services of an addition for the health sciences center at Black Hills State University-Rapid City, as authorized by the Legislature in section 1 of chapter 198 of the 2022 Session Laws."

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

Section 2. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8."

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

Section 3. The Executive Director of the Board of Regents shall approve vouchers and the state auditor draw warrants to pay expenditures authorized by this Act."

On page 1, line 5, of the Introduced bill, remove the overstrikes from " SEQ SectionNumber "

On page 1, line 8, of the Introduced bill, after "approval." delete "Section 2. That section 1 of chapter 198 of the 2022 Session Laws be AMENDED:

The Board of Regents is hereby authorized to contract for the planning, site preparation, renovation, furnishing, equipping, and construction of an addition for a health sciences center at Black Hills State University–Rapid City, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other facilities, services or actions as may be required to accomplish the project authorized in this Act, for an estimated cost of \$15,114,644 \$20,114,644, subject to permitted adjustments pursuant to section 3 of this Act."

On page 1, line 18, of the Introduced bill, after "Act." delete "Section 3. That section 2 of chapter 198 of the 2022 Session Laws be AMENDED:

There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$5,000,000 from the general fund; the sum of \$8,000,000 in federal fund expenditure authority from the American Rescue Plan Act (ARPA) Capital Projects Fund moneys; the sum of \$5,114,644 in other fund expenditure authority from those portions of the higher education facilities fund allocable to Black Hills State University and South Dakota State University; and the sum of \$2,000,000 in other fund expenditure authority from donated funds, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act."

And that as so amended, **SB 172** do pass.

1 Also Mr. President:

2 The Joint Committee on Appropriations respectfully reports that it has had under consideration
 3 **SB 173** and returns the same with the recommendation that said bill be amended as follows:

4 173B

5 On page 1, line 1, of the Introduced bill, delete "increase the" and insert "make an"

6 On page 1, line 1, of the Introduced bill, delete "construction " and insert "design "

7 On page 1, after line 3, of the Introduced bill, insert: "

8 **Section 1.** There is hereby appropriated from the general fund the sum of \$1,500,000 to the
 9 Board of Regents to contract for design, architectural and engineering services of the new Lincoln
 10 Hall at Northern State University, as authorized by the Legislature in section 1 of chapter 199 of the
 11 2022 Session Laws."

12 On page 1, after line 3, of the Introduced bill, insert: "

13 **Section 2.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert
 14 in accordance with the procedures prescribed in chapter 4-8."

15 On page 1, after line 3, of the Introduced bill, insert: "

16 **Section 3.** The Executive Director of the Board of Regents shall approve vouchers and the
 17 state auditor draw warrants to pay expenditures authorized by this Act."

18 On page 1, line 7, of the Introduced bill, after "approval." delete "Section 2. That section 1 of
 19 chapter 199 of the 2022 Session Laws be AMENDED:

20 The Board of Regents is hereby authorized to contract for the planning, site preparation,
 21 demolition authorized by section 2 of this Act, construction, furnishing, and equipping of the new
 22 Lincoln Hall at Northern State University, together with furnishings and equipment, including
 23 heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping,
 24 architectural and engineering services, asbestos abatement, and such other facilities, services, or
 25 actions as may be required to accomplish the projects authorized in this Act, for an estimated cost
 26 of \$29,500,000 \$34,500,000, subject to permitted adjustments pursuant to section 4 of this Act."

27 On page 1, line 17, of the Introduced bill, after "Act." delete "Section 3. That section 3 of
 28 chapter 199 of the 2022 Session Laws be AMENDED:

29 There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act,
 30 the sum of \$5,000,000 from the general fund; the sum of \$29,500,000 in federal fund expenditure
 31 authority from the American Rescue Plan Act (ARPA) Capital Projects Fund moneys, together with
 32 any additional sums received pursuant to section 5 of this Act, and permitted adjustments pursuant
 33 to section 4 of this Act."

34 And that as so amended, **SB 173** do pass.

35 Also Mr. President:

36 The Joint Committee on Appropriations respectfully reports that it has had under consideration
 37 **SB 18 and 33** and returns the same with the recommendation that said bills do pass.

38 Respectfully submitted,
 39 Jean Hunhoff, Co-Chair

Respectfully submitted,
 Mike Derby, Co-Chair

1 Mr. President:

2 The Committee on Senate Transportation respectfully reports that it has had under
3 consideration **SR 701** which was deferred to the 41st Legislative Day.

4 Also Mr. President:

5 The Committee on Senate Transportation respectfully reports that it has had under
6 consideration **HB 1158** and returns the same with the recommendation that said bill do pass, and
7 having been certified as uncontested, be placed on the consent calendar.

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9 Respectfully submitted,
Jessica Castleberry, Vice-Chair

10 Mr. President:

11 The Committee on Senate State Affairs respectfully reports that it has had under consideration
12 **HB 1112** and returns the same with the recommendation that said bill do pass.

13 Also Mr. President:

14 The Committee on Senate State Affairs respectfully reports that it has had under consideration
15 **HB 1124** and returns the same with the recommendation that said bill be amended as follows:

16 1124C

17 On page 2, line 10, of the House Engrossed bill, delete " or" and insert a comma

18 On page 2, line 11, of the House Engrossed bill, after "ballot" insert ", and the ballot question
19 committees for or against an initiated or referred measure or initiated constitutional amendment"

20 And that as so amended, **HB 1124** do pass.

21 Also Mr. President:

22 The Committee on Senate State Affairs respectfully reports that it has had under consideration
23 **HB 1165** and returns the same with the recommendation that said bill be amended as follows:

24 1165C

25 On page 3, line 15, of the House State Affairs Engrossed bill, after "day. " delete "If a request
26 is received after the deadline to send an absentee ballot, the person in charge of the election or
27 their designee must make a reasonable attempt to contact the voter to notify them that the ballot
28 will not be sent."

29 And that as so amended, **HB 1165** do pass.

30 Respectfully submitted,
31 Casey Crabtree, Chair

1 Mr. President:

2 The Committee on Senate Local Government respectfully reports that it has had under
3 consideration **HB 1147 and 1148** and returns the same with the recommendation that said bills
4 do pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Tim Reed, Chair

7 Mr. President:

8 The Committee on Senate Health and Human Services respectfully reports that it has had
9 under consideration **HB 1132 and 1150** and returns the same with the recommendation that said
10 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

11 Also Mr. President:

12 The Committee on Senate Health and Human Services respectfully reports that it has had
13 under consideration **HB 1129 and 1172** which were deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Sydney Davis, Vice-Chair

16 **MESSAGES FROM THE HOUSE**

17 Mr. President:

18 I have the honor to return herewith **SCR 604** in which the House has concurred.

19 Also Mr. President:

20 I have the honor to return herewith **SB 150** which has passed the House without change.

21 Also Mr. President:

22 I have the honor to transmit herewith **HB 1039, 1045, 1138, 1170, 1220, 1226, and 1240**
23 which have passed the House and your favorable consideration is respectfully requested.

24 Respectfully,
25 Patricia Miller, Chief Clerk

26 **MOTIONS AND RESOLUTIONS**

27 **HCR 6001:** A CONCURRENT RESOLUTION, To study a potential optional educational path.

28 Was read the second time.

29 Sen. Reed moved that **HCR 6001** be amended as follows:

30 HCR6001A

1 On page 1, line 1, of the Introduced resolution, after "To " insert "recommend the Executive
2 Board establish a task force to "

3 On page 2, line 5, of the Introduced resolution, delete " shall" and insert " should"

4 On page 2, line 7, of the Introduced resolution, after "The " insert "Legislature recommends
5 that any "

6 On page 2, line 7, of the Introduced resolution, delete " shall" and insert " established by the
7 Executive Board"

8 On page 2, line 7, of the Introduced resolution, delete " their" and insert " its"

9 Which motion prevailed.

10 Sen. Reed moved that the Senate do concur in **HCR 6001** as found on page 300 of the Senate
11 Journal as amended on page 315 of the Senate Journal.

12 The question being on Sen. Reed's motion that **HCR 6001** be concurred in as amended.

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

21 Yesterday, Sen. Tobin announced her intention to reconsider the vote by which **SB 185** lost.

22 No member moved to reconsider the vote by which **SB 185** lost.

23 Sen. Crabtree moved that **HB 1029, 1042, 1090, 1109, and 1121** be deferred to
24 Wednesday, February 23, 2023, the 28th legislative day.

25 Which motion prevailed.

26 **CONSIDERATION OF REPORTS OF COMMITTEES**

27 Sen. Crabtree moved that the reports of the Standing Committees on

28 Senate Appropriations on **SB 118** as found on page 297 of the Senate Journal; and

29 Education on **SB 151** as found on page 298 of the Senate Journal be adopted.

30 Which motion prevailed and the reports were adopted.

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CONSIDERATION OF EXECUTIVE APPOINTMENTS

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The Senate proceeded to the consideration of the executive appointment of Kamp "Rich" Meyer of Pennington County, Rapid City, South Dakota, to the South Dakota Board of Education Standards.

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The question being "Does the Senate advise and consent to the executive appointment of Kamp "Rich" Meyer pursuant to the executive message as found on page 211 of the Senate Journal?"

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And the roll being called:

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Yeas 32, Nays 3, Excused 0, Absent 0

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

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Nays: David Johnson, Reed, and Rohl

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

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CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

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The Senate proceeded to the consideration of the executive reappointment of Pam Roberts of Hughes County, Pierre, South Dakota, to the State Board of Regents.

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The question being "Does the Senate advise and consent to the executive reappointment of Pam Roberts pursuant to the executive message as found on page 211 of the Senate Journal?"

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And the roll being called:

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Yeas 34, Nays 1, Excused 0, Absent 0

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

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Nays: Beal

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

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FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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HB 1138: FOR AN ACT ENTITLED, An Act to require updated cost report information for certain community-based health and human services providers.

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HB 1220: FOR AN ACT ENTITLED, An Act to provide that a female who undergoes an unlawful abortion may not be held criminally liable.

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HB 1226: FOR AN ACT ENTITLED, An Act to regulate industrial hemp-derived delta-8 and delta-10 tetrahydrocannabinol products, and other hemp-derived psychoactive compounds, and to declare an emergency.

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

2 **HB 1170:** FOR AN ACT ENTITLED, An Act to establish mandatory sentences for certain driving
3 while under the influence violations.

4 **HB 1240:** FOR AN ACT ENTITLED, An Act to amend provisions addressing guardianships and
5 conservatorships.

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

7 **HB 1039:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the payment
8 of tuition for members of the South Dakota National Guard.

9 **HB 1045:** FOR AN ACT ENTITLED, An Act to to increase the basic salary schedule for county
10 veterans' service officers.

11 Were read the first time and referred to the Committee on Military and Veterans Affairs.

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 Sen. Brent "B.R." Hoffman requested that **SB 151** be removed from the Consent Calendar.

14 **SB 151** will be placed to follow **SB 191** on today's calendar.

15 Pursuant to Senate Rule 6-1, the President removed **HB 1210** from the Consent Calendar.

16 **SB 159:** FOR AN ACT ENTITLED, An Act to revise provisions regarding vehicle warranty claims.

17 **HB 1046:** FOR AN ACT ENTITLED, An Act to provide free tuition at Board of Technical
18 Education institutions for children or spouses of members of the South Dakota National Guard
19 disabled or deceased in the line of duty.

20 **HB 1145:** FOR AN ACT ENTITLED, An Act to revise the order of precedence for the right to
21 control the disposition of the remains of a deceased person.

22 **HB 1184:** FOR AN ACT ENTITLED, An Act to revise provisions related to the One-Call
23 Notification Board.

24 Were read the second time.

25 The question being "Shall **SB 159** pass as amended, and **HB 1046, 1145, and 1184** pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

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

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

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

4 **SB 201:** FOR AN ACT ENTITLED, An Act to provide treatment for the ingestion of controlled
 5 substances.

6 Was read the second time.

7 The question being "Shall **SB 201** pass as amended?"

8 And the roll being called:

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

10 Yeas: Bordeaux, Breitling, Crabtree, Davis, Diedrich, Foster, David Johnson, Larson, Maher,
 11 Nesiba, Herman Otten, Pischke, Reed, Rohl, Schoenfish, Tobin, and Wheeler

12 Nays: Beal, Bolin, Castleberry, Deibert, Duhamel, Frye-Mueller, Brent "B.R." Hoffman, Hunhoff,
 13 Klumb, Jack Kolbeck, Steve Kolbeck, Mehlhaff, Novstrup, Schoenbeck, Stalzer, Wiik, Wink, and
 14 Zikmund

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

17 **SB 205:** FOR AN ACT ENTITLED, An Act to reduce the penalty for unlawful possession of a
 18 cannabis product and provide exceptions.

19 Was read the second time.

20 The question being "Shall **SB 205** pass as amended?"

21 And the roll being called:

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

23 Yeas: Bordeaux, Davis, Diedrich, Foster, David Johnson, Larson, Nesiba, Herman Otten,
 24 Pischke, Reed, Rohl, Schoenfish, Tobin, and Wheeler

25 Nays: Beal, Bolin, Breitling, Castleberry, Crabtree, Deibert, Duhamel, Frye-Mueller, Brent
 26 "B.R." Hoffman, Hunhoff, Klumb, Jack Kolbeck, Steve Kolbeck, Maher, Mehlhaff, Novstrup,
 27 Schoenbeck, Stalzer, Wiik, Wink, and Zikmund

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

30 **SB 168:** FOR AN ACT ENTITLED, An Act to authorize a board of a school district to adopt
 31 policies regarding students who are registered sex offenders, and to declare an emergency.

32 Was read the second time.

33 The question being "Shall **SB 168** pass as amended?"

34 And the roll being called:

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

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

6 Excused: Foster

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

9 **SB 152:** FOR AN ACT ENTITLED, An Act to provide increased funding for the water and
10 environment fund.

11 Was read the second time.

12 The question being "Shall **SB 152** pass as amended?"

13 And the roll being called:

14 Yeas 19, Nays 16, Excused 0, Absent 0

15 Yeas: Beal, Deibert, Diedrich, Duhamel, Brent "B.R." Hoffman, Klumb, Steve Kolbeck, Larson,
16 Maher, Mehlhaff, Novstrup, Herman Otten, Pischke, Reed, Schoenbeck, Schoenfish, Stalzer,
17 Wheeler, and Zikmund

18 Nays: Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Foster, Frye-Mueller, Hunhoff,
19 David Johnson, Jack Kolbeck, Nesiba, Rohl, Tobin, Wiik, and Wink

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 89:** FOR AN ACT ENTITLED, An Act to increase the daily maximum award for the alternative
23 care program administered by the Unified Judicial System.

24 Was read the second time.

25 The question being "Shall **SB 89** pass?"

26 And the roll being called:

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

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

32 Nays: Frye-Mueller and Brent "B.R." Hoffman

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

35 President Pro Tempore Schoenbeck now presiding.

1 **SB 149:** FOR AN ACT ENTITLED, An Act to create the Medicaid expansion fund and to transfer
 2 monies received as a result of expanding Medicaid eligibility.

3 Was read the second time.

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

5 And the roll being called:

6 Yeas 28, Nays 7, Excused 0, Absent 0

7 Yeas: Beal, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster, Hunhoff,
 8 David Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher, Mehlhaff, Nesiba, Novstrup,
 9 Herman Otten, Reed, Rohl, Schoenbeck, Schoenfish, Tobin, Wheeler, Wink, and Zikmund

10 Nays: Bolin, Castleberry, Frye-Mueller, Brent "B.R." Hoffman, Pischke, Stalzer, and Wiik

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

13 President Rhoden now presiding.

14 **SB 118:** FOR AN ACT ENTITLED, An Act to expand eligibility for certain teachers who receive
 15 reduced tuition at Board of Regents institutions.

16 Was read the second time.

17 Sen. Tobin moved that **SB 118** be amended as follows:

18 118C

19 On page 2, line 23, of the Senate Appropriations Engrossed bill, after "year." insert " The total
 20 amount of the reduced tuition benefit prescribed by this section must be appropriated in the General
 21 Appropriations Act. "

22 Which motion prevailed.

23 The question being "Shall **SB 118** pass as amended?"

24 And the roll being called:

25 Yeas 19, Nays 15, Excused 1, Absent 0

26 Yeas: Bordeaux, Breitling, Crabtree, Davis, Diedrich, Foster, Hunhoff, David Johnson, Jack
 27 Kolbeck, Steve Kolbeck, Larson, Maher, Nesiba, Reed, Schoenbeck, Schoenfish, Tobin, Wheeler, and
 28 Wink

29 Nays: Beal, Bolin, Castleberry, Deibert, Duhamel, Frye-Mueller, Brent "B.R." Hoffman, Klumb,
 30 Mehlhaff, Novstrup, Herman Otten, Pischke, Stalzer, Wiik, and Zikmund

31 Excused: Rohl

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

3 Was read the second time.

4 Sen. Foster moved that **SB 191** be amended as follows:

5 191A

6 On page 1, line 22, of the Introduced bill, delete " March 31" and insert " November 15"

7 On page 1, line 22, of the Introduced bill, after "2024." insert " The task force shall be co-
 8 chaired by one representative from the Department of Social Services, chosen by the secretary of
 9 the Department of Social Services, and the task force shall be co-chaired by one of the
 10 representatives of an Indian tribe in South Dakota, chosen by a plurality vote of the Indian tribe
 11 representatives provided in section 3 of this Act."

12 On page 2, line 19, of the Introduced bill, delete " 2023" and insert " 2024"

13 Which motion prevailed.

14 Sen. Foster moved that **SB 191** be amended as follows:

15 191B

16 On page 1, line 22, of the Introduced bill, delete " March 31" and insert " November 15"

17 On page 1, line 22, of the Introduced bill, after "2024." insert " The task force shall be co-
 18 chaired by one representative from the Department of Social Services, chosen by the secretary of
 19 the Department of Social Services, and the task force shall be co-chaired by one of the
 20 representatives of an Indian tribe in South Dakota, chosen by a plurality vote of the Indian tribe
 21 representatives provided in section 3 of this Act."

22 On page 2, line 15, of the Introduced bill, after "to " insert "family "

23 On page 2, line 15, of the Introduced bill, after "reunification" delete " of Indian tribes in South
 24 Dakota"

25 On page 2, line 19, of the Introduced bill, delete " 2023" and insert " 2024"

26 Which motion prevailed.

27 The question being "Shall **SB 191** pass as amended?"

28 And the roll being called:

29 Yeas 22, Nays 12, Excused 1, Absent 0

30 Yeas: Bolin, Bordeaux, Breitling, Castleberry, Deibert, Diedrich, Foster, Brent "B.R." Hoffman,
 31 Hunhoff, David Johnson, Jack Kolbeck, Larson, Maher, Nesiba, Novstrup, Herman Otten, Reed,
 32 Schoenfish, Tobin, Wheeler, Wink, and Zikmund

33 Nays: Beal, Crabtree, Davis, Duhamel, Frye-Mueller, Klumb, Steve Kolbeck, Mehlhaff, Pischke,
 34 Schoenbeck, Stalzer, and Wiik

35 Excused: Rohl

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

3 **SB 151**: FOR AN ACT ENTITLED, An Act to clarify information related to students that is not
4 subject to survey, analysis, or evaluation without consent.

5 Was read the second time.

6 The question being "Shall **SB 151** pass as amended?"

7 And the roll being called:

8 Yeas 11, Nays 22, Excused 2, Absent 0

9 Yeas: Bordeaux, Davis, Duhamel, David Johnson, Steve Kolbeck, Larson, Nesiba, Reed,
10 Schoenfish, Tobin, and Wheeler

11 Nays: Beal, Bolin, Breitling, Castleberry, Crabtree, Deibert, Diedrich, Frye-Mueller, Brent "B.R."
12 Hoffman, Hunhoff, Klumb, Jack Kolbeck, Maher, Mehlhaff, Novstrup, Herman Otten, Pischke,
13 Schoenbeck, Stalzer, Wiik, Wink, and Zikmund

14 Excused: Foster and Rohl

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

17 Sen. Wheeler moved that the Senate do now adjourn, which motion prevailed and at 4:38 p.m.
18 the Senate adjourned.

19

Kay Johnson, Secretary

