

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

THIRTY-SECOND DAY

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

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

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Morgan Gill.

Roll Call: All members present except Sen. Stalzer who was excused.

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 31st 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

2 Mr. President:

3 The Senate Committee on Appropriations respectfully reports that it has had under
4 consideration **HB 1065, 1093, and 1094** and returns the same with the recommendation that said
5 bills do pass.

6 Also Mr. President:

7 The Senate Committee on Appropriations respectfully reports that it has had under
8 consideration **HB 1137** and returns the same with the recommendation that said bill be amended
9 as follows:

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1137F

11 On page 6, line 13, of the Senate Taxation Engrossed bill, delete " provisions of this Act" and
12 insert " amendments to the Code sections in sections 1 to 16, inclusive, of this Act"

13 On page 6, line 13, of the Senate Taxation Engrossed bill, delete " the" and insert " those"

14 On page 6, line 13, of the Senate Taxation Engrossed bill, after "sections" delete " amended
15 by this Act"

16 And that as so amended, **HB 1137** do pass.

17 Also Mr. President:

18 The Senate Committee on Appropriations respectfully reports that it has had under
19 consideration **HB 1166** which was tabled.

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Respectfully submitted,
Jean Hunhoff, Chair

22 Mr. President:

23 The Committee on Senate Health and Human Services respectfully reports that it has had
24 under consideration **HB 1167 and 1226** and returns the same with the recommendation that said
25 bills do pass.

26 Also Mr. President:

27 The Committee on Senate Health and Human Services respectfully reports that it has had
28 under consideration **HB 1053, 1059, and 1220** and returns the same with the recommendation
29 that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

30 Also Mr. President:

31 The Committee on Senate Health and Human Services respectfully reports that it has had
32 under consideration **HB 1129, which was reconsidered** which was tabled.

33 Also Mr. President:

34 The Committee on Senate Health and Human Services respectfully reports that it has had
35 under consideration **HB 1174** and returns the same with the recommendation that said bill be
36 amended as follows:

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1174D

On page 1, line 1, of the Introduced bill, delete "revise civil commitment procedures for offenders with developmental disabilities" and insert "provide for appropriate civil commitment of certain persons"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That a NEW SECTION be added to title 27B:

Any person with a felony sexual offense charge that has been dismissed pursuant to § 23A-10A-14, due to a developmental disability as defined in § 27B-1-18, is subject to civil commitment proceedings in accordance with this Act.

Section 2. That a NEW SECTION be added to title 27B:

The state's attorney prosecuting any felony sexual offense, which charge was dismissed pursuant to § 23A-10A-14 due to a developmental disability as defined in § 27B-1-18, may, within thirty days after the dismissal, file a petition for civil commitment of the person charged in the circuit court that dismissed the charge. The petition must allege the criteria for commitment, as set forth in section 8 of this Act, and must include facts supporting the allegations.

Section 3. That a NEW SECTION be added to title 27B:

Within ten days of the filing of a petition for civil commitment pursuant to this Act, the court shall appoint and order a licensed psychologist or psychiatrist to conduct a psychiatric or psychological evaluation of the person whose condition is the subject of the petition. The licensed psychologist or psychiatrist shall conduct the examination and prepare a report within fifteen days of receipt of the written notice from the court. The report must contain the information set forth in section 4 of this Act. The person has the right to obtain an additional examination paid for by the county in which the action is venued. Any report from an additional examination may be placed in evidence. The person must reimburse the county for the reasonable expense of the additional examination, unless the person is indigent. The county may file a lien for the cost of the additional examination and report upon the person's real and personal property.

Section 4. That a NEW SECTION be added to title 27B:

The court-ordered report required under section 3 of this Act must contain:

(1) Any report submitted to the court as part of a mental competency proceeding under chapter 23A-10A;

(2) An evaluation of the person's mental, physical, and emotional status, and a review of the person's social and educational history;

(3) Any other information the examiner believes to be relevant;

(4) Whether the person's developmental disability, having rendered the person incompetent to proceed under chapter 23A-10A, makes it:

(a) Seriously difficult for the person to control their behavior;

(b) Likely that the person will commit other sexual offenses; and

(c) Necessary or advisable for the person to receive appropriate supports or services, or the person needs and is likely to benefit from treatment; and

1 (5) Whether the person is a danger to themselves or others due to the developmental disability
 2 that rendered the person incompetent to proceed under chapter 23A-10A.

3 If any report submitted to the court indicates that the person has serious difficulty controlling
 4 their behavior and is likely to commit other sexual offenses, the court must hold a hearing to
 5 determine whether the person is to be involuntarily committed. If no report submitted to the court
 6 indicates that the person has serious difficulty controlling their behavior and is likely to commit other
 7 sexual offenses, the petition must be dismissed.

8 **Section 5. That a NEW SECTION be added to title 27B:**

9 At a hearing ordered pursuant to section 4 of this Act, the person whose condition is the subject
 10 of the hearing shall be represented by counsel and, if the person is financially unable to obtain
 11 adequate representation, the court must appoint counsel for the person. The person has the right
 12 to appear personally, to subpoena witnesses on the person's behalf, to confront and cross-examine
 13 witnesses, and to present evidence. The person has the right to testify but may not be compelled
 14 to testify. If the person chooses not to appear, the person's attorney must state on the record that
 15 the person has been informed of the hearing and of the right to appear and chooses not to exercise
 16 this right. Documentation of the reasons for the person's decision is not required. If the person is
 17 receiving treatment at the time of hearing, the person's provider must take all reasonable
 18 precautions to ensure that, at the time of the hearing, the person is not so under the influence of,
 19 or so affected by, drugs, medication, or other treatment or interventions, as to be hampered in
 20 preparing for or participating in the hearing. The court may exclude any person not necessary for
 21 the conduct of the proceedings from the hearings, except any person requested to be present by
 22 the person who is the subject of the hearing.

23 **Section 6. That a NEW SECTION be added to title 27B:**

24 In proceedings under this Act, the sheriff is allowed the same fee as for like services in other
 25 cases. Any witness is allowed the same fees as a witness in other cases.

26 **Section 7. That a NEW SECTION be added to title 27B:**

27 The sections of title 15 relating to civil practice and procedure in the circuit courts shall apply
 28 to any hearing pursuant to this Act. If not otherwise submitted during the hearing, the court may
 29 take judicial notice of any other case against the person whose condition is the subject of the
 30 hearing, involving sexual offenses, and may order any additional appropriate examination or
 31 investigation.

32 **Section 8. That a NEW SECTION be added to title 27B:**

33 At a hearing ordered pursuant to section 4 of this Act, the court shall determine whether there
 34 is clear and convincing evidence that:

35 (1) The person committed one or more felony sexual offenses;

36 (2) The person's developmental disability, having rendered the person incompetent to proceed
 37 under chapter 23A-10A, makes it:

38 (a) Seriously difficult for the person to control their behavior;

39 (b) Likely that the person will commit other sexual offenses; and

40 (c) Necessary or advisable for the person to receive appropriate
 41 supports or services, or the person needs and is likely to benefit from treatment;
 42 and

43 (4) Whether the person is a danger to themselves or others due to the developmental disability
 44 that rendered the person incompetent to proceed under chapter 23A-10A.

If the court, through written findings of fact and conclusions of law, finds all the above criteria are met, the court must issue an order involuntarily committing the person to the Department of Human Services for appropriate placement. If the person refuses to comply with this order, the court may direct law enforcement to take the person into protective custody.

Section 9. That a NEW SECTION be added to title 27B:

The court shall review any commitment order entered pursuant to section 8 of this Act and accompanying information at least annually to make a determination of the continued need and supporting justification for commitment. Prior to the annual review, but not less than thirty days prior to the anniversary date of the commitment order, the facility providing services to the person shall report to the committing court regarding the person's supports, services, or treatment and progress. If the facility is separate from the Department of Human Services, the report must also be served on the department. Following ten days' notice to the person, the person's attorney, the department, and the facility providing services to the person if separate from the department, the court shall hold a review hearing. The review hearing must include participation by the state's attorney, the department, the facility providing services to the person if separate from the department, and the person's attorney. The rights and procedures applicable during an initial commitment hearing are applicable to a review hearing. A petition pursuant to section 3 of this Act need not be filed. At the conclusion of the review hearing, the court may issue an order of continued commitment or immediately discharge the person from involuntary commitment if the conditions in section 8 of this Act justifying commitment no longer exist.

Section 10. That a NEW SECTION be added to title 27B:

The person shall have the same rights and privileges during a review hearing as established under section 5 of this Act.

Section 11. That a NEW SECTION be added to title 27B:

The director of the South Dakota Developmental Center, or the director of any other developmental disability community service provider, as applicable, shall discharge any involuntarily committed person if the director determines that the person no longer meets the commitment criteria under section 8 of this Act. The director of the discharging entity shall immediately notify the court who issued the commitment order and the state's attorney who filed the commitment proceeding that the person no longer meets commitment criteria and is being discharged. Nothing in this section precludes any person or the person's legal representative from subsequently seeking admission to a program on a voluntary basis.

Section 12. That a NEW SECTION be added to title 27B:

The provisions of § 27B-7-49 apply to commitments under this Act.

Section 13. That a NEW SECTION be added to title 27B:

Any other right, responsibility, or authority given to a person committed or the Department of Human Services under this title is applicable to a person committed under this Act."

And that as so amended, **HB 1174** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Erin Tobin, Chair

Mr. President:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1001** 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 **HB 1106** and returns the same with the recommendation that said bill be amended as follows:

4 1106D

5 On page 1, line 1, of the House Local Government Engrossed bill, after "registration" delete "
6 records"

7 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

8 **Section 1. That § 12-4-1 be AMENDED:**

9 **12-4-1.** ~~Every~~ A person residing within the state who has the qualifications of a voter
10 prescribed by § 12-3-1 or 12-3-1.1, or who will have such qualifications at the next ensuing
11 municipal, primary, general, or school district election, ~~shall be~~ is entitled to be registered as a voter
12 in the voting precinct in which ~~he~~ the person resides."

13 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

14 **Section 2. That § 12-4-3.2 be AMENDED:**

15 **12-4-3.2.** Any private entity or individual registering a person to vote shall file the completed
16 registration form with the county auditor within ten days or by the next voter registration deadline,
17 whichever occurs first. A violation of this section is a Class 2 misdemeanor.

18 "

19 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

20 **Section 3. That § 12-4-4.2 be AMENDED:**

21 **12-4-4.2.** ~~The purpose of §§ Sections 12-4-4.2 to 12-4-4.9, inclusive, is to implement the~~
22 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff-1-1973ff-6, (Jan. 1,
23 1996) 52 U.S.C. § 20301 et seq., as of January 1, 2023."

24 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

25 **Section 4. That § 12-4-4.12 be AMENDED:**

26 **12-4-4.12.** If a voter is identified as being covered by the Uniformed and Overseas Citizens
27 Absentee Voting Act ~~(42 U.S.C. 1973ff-1) as of January 1, 2010,~~ 52 U.S.C. § 20301 et seq., as of
28 January 1, 2023, the voter may register to vote through the system provided by the Office of the
29 Secretary of State."

30 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

31 **Section 5. That § 12-4-5.2 be AMENDED:**

32 **12-4-5.2.** The county auditor or the person responsible for the conduct of a local election shall
33 give notice of the availability of registration officials and state when registration will be terminated
34 and the effect of ~~a failure to have registered~~ not registering to vote. ~~Such notice shall be published~~
35 The county auditor or the person responsible for the conduct of a local election shall publish the
36 notice online and in official newspapers at least once each week for two consecutive weeks, the last
37 publication to be not less than ten nor more than fifteen days before the deadline for registration.
38 A township, conservation district, sanitation district, fire district, or any special district is not required
39 to post a notice online if the district does not have an official website."

40 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

1 **Section 6. That § 12-4-5.3 be AMENDED:**

2 **12-4-5.3.** When a voter registration application is received by the county auditor, the county
 3 auditor or an individual designated by the county auditor shall review the application for eligibility
 4 and completeness. If the applicant is not eligible to be registered or sufficient information to
 5 complete the registration card cannot be obtained from the applicant, ~~the applicant shall be sent~~
 6 county auditor must send an acknowledgment notice by nonforwardable mail to the applicant
 7 indicating the reason the registration was not filed. ~~In addition, the~~ The acknowledgment notice
 8 shall must state that the ~~voter~~ applicant needs to submit the corrected information to the county
 9 auditor within thirty days or the voter registration form may not be processed. The county auditor
 10 or an individual designated by the county auditor may contact the applicant by phone or electronic
 11 communication to collect the required additional information. Any applicant whose registration is
 12 accepted ~~The county auditor shall be sent~~ send an acknowledgment notice by nonforwardable mail
 13 to the applicant whose registration is accepted. ~~The acknowledgment notice shall be prescribed by~~
 14 ~~the State Board of Elections and sent by nonforwardable mail~~ The State Board of Elections shall
 15 promulgate rules, pursuant to chapter 1-26, prescribing the form of the acknowledgement notice.
 16 The same confirmation mailing required by § 12-4-19 ~~shall must~~ be sent immediately to any person
 17 whose registration acknowledgment notice is returned undeliverable."

18 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

19 **Section 7. That § 12-4-5.5 be AMENDED:**

20 **12-4-5.5.** At the time voter registration information is transmitted from a county to the
 21 statewide voter registration file, the secretary of state shall verify the authenticity of the driver
 22 license number or the South Dakota nondriver identification number ~~shall be verified~~ with the driver
 23 license database. ~~If the person has provided the last four digits of his or her~~ the person's social
 24 security number have been provided, the secretary of state shall review the social security database
 25 ~~shall be checked~~ to determine that the number, name, and date of birth are accurate and that this
 26 information ~~does belong~~ belongs to ~~such~~ the person. If any of this information is reported as not
 27 being accurate, the county auditor ~~shall must~~ withdraw the voter registration and attempt to get
 28 the correct information with the process provided in § 12-4-5.3. The State Board of Elections ~~may~~
 29 shall promulgate rules, pursuant to chapter 1-26, determining technical parameters for the driver
 30 license and social security database verification."

31 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

32 **Section 8. That § 12-4-8.1 be AMENDED:**

33 **12-4-8.1.** In lieu of forms for registration prescribed under § 12-4-8, requests for absentee
 34 ballots submitted in accordance with the Uniformed and Overseas Citizens Absentee Voting Act
 35 (UOCAVA) (42 U.S.C. § 1973ff) ~~shall be, 52 U.S.C. § 20301 et seq., as of January 1, 2023, are~~
 36 sufficient for registration purposes. The county auditor shall make and file the index card for the
 37 master file and attach the card thereto and shall save an electronic copy of the card. ~~a~~ The county
 38 auditor shall supply a photocopy ~~shall be supplied~~ to the election board of the precinct for the
 39 purposes of § 12-19-2."

40 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

41 **Section 9. That § 12-4-10 be AMENDED:**

42 **12-4-10.** The county auditor shall provide from the master registration file, in paper or
 43 electronic format, a separate list of the names and addresses of all registered voters in each voting
 44 precinct as established pursuant to chapter 12-14, § 9-13-16, or 13-7-11 in the county, which shall
 45 be known as the precinct registration list. The county auditor shall design the list for any voting
 46 precinct ~~shall be designed~~ so that each name can be distinctly marked ~~whenever when~~ the registrant
 47 ~~presents himself or herself for voting and shall~~ voter requests a ballot and must contain a space in
 48 which may be recorded the record of any challenge, affidavit, or other information as may be
 49 required. ~~Each entry shall be made by the precinct superintendent or precinct deputies~~ The precinct

1 ~~superintendent or precinct deputy shall make each entry when the voter presents himself or herself~~
 2 ~~for voting requests a ballot."~~

3 On page 1, after line 2, of the House Local Government Engrossed bill, insert: "

4 **Section 10. That § 12-4-15 be AMENDED:**

5 **12-4-15.** A person may designate or change that person's party affiliation, name, ~~or~~ address,
 6 ~~phone number, or email address~~ by completing a new registration card. ~~For any registration card~~
 7 ~~completed by a person changing that person's party affiliation, name, or address, if the field for~~
 8 ~~party affiliation is left blank~~ If a person completes a registration card to change that person's name,
 9 address, phone number, or email address, and leaves the field for party affiliation blank, the county
 10 auditor must list the person's party affiliation shall be as the most recent party affiliation registered
 11 for that person. ~~For any registration card completed by a person who is registering to vote for the~~
 12 ~~first time in this state, if the field for party affiliation is left blank~~ If a person completes a registration
 13 card to register to vote for the first time in the state and leaves the field for party affiliation blank,
 14 the county auditor must register that person's party affiliation shall be registered as independent or
 15 no party affiliation."

16 On page 1, line 7, of the House Local Government Engrossed bill, after "name" insert " of the
 17 person declared mentally incompetent"

18 On page 1, line 22, of the House Local Government Engrossed bill, delete "may" and insert "
 19 shall"

20 On page 1, line 23, of the House Local Government Engrossed bill, delete " shall be" and insert
 21 " are"

22 On page 1, line 23, of the House Local Government Engrossed bill, after "matched." insert "

23 Prior to providing a registration list to precincts, as prescribed in § 12-4-10, the county auditor
 24 must certify with the secretary of state that all individuals required to be removed from the master
 25 registration list have been removed based on the information available to the county auditor at the
 26 time the certification is submitted. The State Board of Elections shall promulgate rules, pursuant to
 27 chapter 1-26, prescribing the form to certify the accuracy of the master registration list. "

28 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

29 **Section 12. That § 12-4-24 be AMENDED:**

30 **12-4-24.** The county auditor shall complete and make available to the official charged with
 31 the conduct of a local election at least one day preceding the election a precinct registration list and
 32 the person in charge of the election shall deliver the list to each of ~~his~~ the superintendents of
 33 election."

34 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

35 **Section 13. That § 12-4-34 be AMENDED:**

36 **12-4-34.** If a statute refers to registered voters, it does not include those in the inactive
 37 registration file unless specifically included. ~~However, any~~ Any voter in the inactive registration file
 38 may sign a petition."

39 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

40 **Section 14. That § 12-4-37 be AMENDED:**

41 **12-4-37.** The secretary of state shall establish and maintain a computerized system for
 42 maintaining and utilizing the voter registration file and transmitting voter registration information
 43 from each county auditor to the Office of the Secretary of State. The State Board of Elections shall

1 promulgate rules, pursuant to chapter 1-26, to develop and implement procedures to secure the
 2 computerized system used for the voter registration file from external threats that could damage
 3 the integrity of the voter registration system.

4 Each county auditor shall transmit any changes to the master registration file or the absentee
 5 voter log to the secretary of state on a daily basis. The county auditor shall transmit updated
 6 information contained in the county voter registration system, including voter registration
 7 information and voter election history information, to the Office of the Secretary of State not later
 8 than July fifteenth after each primary election and December fifteenth after each general election."

9 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

10 **Section 15. That chapter 12-4 be amended with a NEW SECTION:**

11 By March first of each year, the secretary of state shall submit report to the State Board of
 12 Elections providing the number of voters removed from the county's voter registration list from the
 13 previous year due to inactivity, death, felony conviction, mental incompetence, or relocation to
 14 another jurisdiction.

15 The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, designating the
 16 form and content of the report. The content of each report must be made available for public
 17 inspection on the official website of the secretary of state. "

18 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

19 **Section 16. That chapter 12-4 be amended with a NEW SECTION:**

20 On the first business day of each month and on the date of a primary, general, runoff, or
 21 special election in the state, the secretary of state shall publish the following information on the
 22 official website of the secretary of state:

23 (1) The total number of registered voters in each county of the state;

24 (2) The total number of registered voters in each legislative district in the state;

25 (3) The total number of voters registered as a member of a political party in each county of
 26 the state;

27 (4) The total number of voters registered as a member of a political party in each legislative
 28 district in the state;

29 (5) The total number of inactive voters in each county in the state; and

30 (6) The total number of inactive voters in each legislative district of this state.

31 The State Board of Elections shall promulgate rules , pursuant to chapter 1-26, designating
 32 the form for online publication of the information listed in this section."

33 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

34 **Section 17. That chapter 12-4 be amended with a NEW SECTION:**

35 A person registered to vote, pursuant to this chapter, may request that the auditor of the
 36 county in which the voter resides remove the person's name from the master registration list. If a
 37 person makes a request pursuant to this section less than fourteen days prior to an election, the
 38 removal of the individual's name is effective on the day after the election. The State Board of
 39 Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form to be used by a
 40 person requesting the removal of the person's name from the master registration list."

41 On page 1, after line 23, of the House Local Government Engrossed bill, insert: "

1 **Section 18. That chapter 12-4 be amended with a NEW SECTION:**

2 Within fifteen days after the close of each month, each clerk of court shall forward to the county
 3 auditor of the clerk's county information on any individual called for jury duty who is excused from
 4 jury duty because the individual has moved, has been convicted of a felony, has been declared
 5 mentally incompetent, is deceased, or is not a citizen of the United States. Upon receipt of the
 6 information, the county auditor shall investigate to determine if the reported individual is listed in
 7 the county's master registration file and whether the individual is eligible to be registered as a voter.

8 The county auditor shall remove from the master registration list:

9 (1) The names of persons identified as mentally incompetent in accordance with the
 10 information provided pursuant to this section or § 12-4-18;

11 (2) The names of those sentences to imprisonment in the federal penitentiary system;

12 (3) The names of deceased voters published in an obituary, reported by a county coroner, or
 13 recorded in death records maintained as vital statistics records by the Department of Health; and

14 (4) The names of those who are not a citizen of the United States."

15 1106E

16 On page 1, line 1, of the House Local Government Engrossed bill, delete " regarding voter
 17 registration records" and insert " pertaining to poll watchers"

18 On the House Local Government Engrossed bill, delete everything after the enacting clause
 19 and insert:

20 "

21 **Section 1. That § 12-18-9 be AMENDED:**

22 ~~12-18-9. Any person, except a candidate who is on the ballot being voted on at that polling~~
 23 ~~place, may be present at any polling place for the purpose of observing the voting process. Any~~
 24 ~~person may be present to observe the counting process. A candidate who is on the ballot being~~
 25 ~~voted on at a polling place may only be present to cast the candidate's vote during voting hours. A~~
 26 ~~number of poll watchers shall be permitted for each candidate at a primary election or political party~~
 27 ~~and independent candidate at a general election pursuant to § 12-18-8.1. Each polling place shall~~
 28 ~~be arranged in a manner that permits each poll watcher to be positioned in a location where the poll~~
 29 ~~watcher can plainly see and hear what is done within the polling place~~

30 At a general, primary, or special election pursuant to § 12-18-8.1, any candidate, party, or
 31 ballot question committee as defined in § 12-27-1 is entitled to have a poll watcher present at any
 32 polling place for the purpose of observing the voting and counting process. This section may not
 33 apply to a candidate who is on the ballot being voted on at a polling place, and the candidate may
 34 only be present to cast the candidate's vote during voting hours.

35 The observation areas may not be less than three feet nor more than six feet from the table
 36 at which voters announce their name and address to be issued a ballot at the polling place. The
 37 observation areas must be so positioned to permit any poll watcher to plainly see and hear all public
 38 aspects of the voting process.

39 A violation of this section is a Class 2 misdemeanor.

40 **Section 2. That § 12-1-3 be AMENDED:**

41 **12-1-3.** Terms used in this title mean:

- 1 (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the
2 ballot to be voted upon for nomination or election at any election;
- 3 (2) "Election," any election held under the laws of this state;
- 4 (3) "Election officials," state and local officials charged with the duty of conducting
5 elections and the canvass of returns;
- 6 (4) "Elector," a person qualified to register as a voter, whether or not the person is
7 registered;
- 8 (5) "Electronic pollbook," an electronic system containing both the registration list and
9 pollbook;
- 10 (6) "General election," the vote required to be taken in each voting precinct of the state
11 on the first Tuesday after the first Monday in November of each even-numbered year;
- 12 (7) "Paid circulator," any person who receives money or anything of value for collecting
13 signatures for a petition;
- 14 (8) "Party office," an office of a political party organization as distinct from a public
15 office;
- 16 (9) "Person in charge of an election," or "person charged with the conduct of an
17 election," the county auditor in all cases except local elections for a municipality, school district,
18 township, or other political subdivision, in which case it is the officer having the position comparable
19 to the auditor in that unit of government if not specifically designated by law;
- 20 (10) "Petition," a form prescribed by the State Board of Elections, which contains the
21 question or candidacy being petitioned, the declaration of candidacy if required and the verification
22 of the circulator. If multiple sheets of paper are necessary to obtain the required number of
23 signatures, each sheet shall be self-contained and separately verified by the circulator;
- 24 (11) "Petition circulator," a resident of the State of South Dakota as defined under § 12-
25 1-4, who is at least eighteen years of age who circulates nominating petitions or other petitions for
26 the purpose of placing candidates or issues on any election ballot;
- 27 (12) "Political party," beginning with the 2014 general election and each general election
28 thereafter, a party whose candidate for any statewide office received at least two and one-half
29 percent of the total votes cast for that statewide office in either of the two previous general election
30 cycles;
- 31 (13) "Pollbook" or "poll list," a list containing in numerical order the names of all persons
32 voting at the election and type of ballot voted;
- 33 (14) "Polling place," a designated place voters may go to vote;
- 34 (15) "Poll watcher," a person appointed to observe the conduct of an election on behalf of a
35 candidate, a political party, or a ballot question committee;
- 36 ~~(15)~~(16) "Primary" or "primary election," an election held at which candidates are nominated
37 for public office;
- 38 ~~(16)~~(17) "Public office," an elected position in government;
- 39 ~~(17)~~(18) "Registration list," a list of eligible voters;
- 40 ~~(18)~~(19) "Registered mail," does not include certified mail;

1 ~~(19)~~(20) "Registration officials," the county auditor and deputies and other persons
2 authorized to assist in registration pursuant to chapter 12-4;

3 ~~(20)~~(21) "Vote center," a polling place when the precinct has been defined as the entire
4 jurisdiction and an electronic pollbook is utilized;

5 ~~(21)~~(22) "Voter," a person duly registered to vote or one who is performing the act of voting;

6 ~~(22)~~(23) "Independent (IND)" or "no party affiliation (NPA)," any currently registered voter
7 who writes independent, I, Ind, no party affiliation, no party, no choice, nonpartisan, or line crossed
8 off in the choice of party field on the voter registration form and any individual who is not currently
9 registered to vote who leaves the choice of party field blank on the voter registration form;

10 ~~(23)~~(24) "Independent candidate," notwithstanding the definition of independent as stated in
11 this chapter, any registered voter regardless of party affiliation who declares to be an independent
12 candidate for public office pursuant to this chapter;

13 ~~(24)~~(25) "Other," any voter who writes a political party not recognized in South Dakota in the
14 choice of party field on the voter registration form.

15 **Section 3. That chapter 12-20 be amended with a NEW SECTION:**

16 The process of sorting, validating, and counting of ballots must be open to poll watchers for
17 the purpose of observing the process. Poll watchers shall keep a reasonable distance from ballots
18 and identification information to protect the privacy of voters. No record associating an individual
19 voter with a ballot may be created. The State Board of Elections shall promulgate rules, pursuant to
20 chapter 1-26, setting the number of poll watchers allowed for the sorting, validating, and counting
21 of ballots.

22 A violation of this section is a Class 2 misdemeanor.

23 **Section 4. That chapter 12-21 be amended with a NEW SECTION:**

24 A meeting of a recount board pursuant to this chapter must be open to the public. Members of
25 the general public shall keep a reasonable distance from ballots.

26 A violation of this section is a Class 2 misdemeanor.

27 "

28 And that as so amended, **HB 1106** do pass.

29 Also Mr. President:

30 The Committee on Senate State Affairs respectfully reports that it has had under consideration
31 **HB 1141, 1142, and 1144** and returns the same with the recommendation that said bills do pass.

32 Respectfully submitted,
33 Casey Crabtree, Chair

34 Mr. President:

35 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
36 Enrolling has carefully compared **SB 8, 18, 33, 42, 75, 103, 108, 115, 129, and 176** and finds
37 the same correctly enrolled.

38 Respectfully submitted,
39 Lee A. Schoenbeck, Chair

1 Mr. President:

2 The Committee on Legislative Procedure respectfully reports that **SB 20, 46, 48, 52, 62, 102,**
3 **143, 147, 179, 188, and 200** were delivered to her Excellency, the Governor, for her approval at
4 2:55 p.m., February 28, 2023.

5 Respectfully submitted,
6 Lee A. Schoenbeck, Chair

7 **MESSAGES FROM THE HOUSE**

8 Mr. President:

9 I have the honor to return herewith **SB 4, 112, 139, and 146** which have been amended by
10 the House and your concurrence in the amendments is respectfully requested.

11 Also Mr. President:

12 I have the honor to return herewith **SJR 505** in which the House has concurred.

13 Also Mr. President:

14 I have the honor to inform your honorable body that **SJR 502** was lost on second reading and
15 final passage.

16 Also Mr. President:

17 I have the honor to return herewith **SB 18, 33, 42, 75, 103, 108, 115, 129, and 176** which
18 have passed the House without change.

19 Also Mr. President:

20 I have the honor to inform your honorable body that the House has concurred in Senate
21 amendments to **HB 1090**.

22 Respectfully,
23 Patricia Miller, Chief Clerk

24 **MOTIONS AND RESOLUTIONS**

25 Sen. Steve Kolbeck moved that the Senate do concur in House amendments to **SB 140**.

26 The question being on Sen. Steve Kolbeck's motion that the Senate do concur in House
27 amendments to **SB 140**.

28 And the roll being called:

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

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

5 Excused: Foster and Stalzer

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

8 Sen. Novstrup moved that the Committee on Education be instructed to deliver **HB 1116** to
9 the floor of the Senate, pursuant to JR 7-7.

10 Which motion was supported and the committee was so instructed.

11 Sen. Maher moved that the Committee on State Affairs be instructed to deliver **HB 1200** to
12 the floor of the Senate, pursuant to JR 7-7.

13 Which motion was not supported.

14 Sen. Crabtree moved that **HB 1176** be deferred to Thursday, March 2, 2023, the 33rd
15 legislative day.

16 Which motion prevailed.

17 Sen. Crabtree moved that **HB 1193** be placed to follow **HB 1045** on today's calendar.

18 Which motion prevailed.

19 Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
20 Thursday, March 2, 2023, the 33rd legislative day.

21 Which motion prevailed.

22 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

23 The Senate proceeded to the consideration of the executive reappointments of James Hagen
24 of Lincoln County, Sioux Falls, South Dakota, to the position of Secretary of the Department of
25 Tourism (SJ 130), and

26 James Yunag of Minnehaha County, Sioux Falls, South Dakota, to the Board of Economic
27 Development (SJ 209), and

28 Joy Nelson of Codington County, Watertown, South Dakota, to the Board of Economic
29 Development (SJ 208), and

30 Marcia Hultman of Hughes County, Pierre, South Dakota, to the position of Secretary of the
31 Department of Labor and Regulation (SJ 83), and

32 Matt Judson of Hughes County, Pierre, South Dakota, to the Board of Economic Development
33 (SJ 209).

1 The question being "Does the Senate advise and consent to the executive reappointments of
2 James Hagen, James Yunag, Joy Nelson, Marcia Hultman, and Matt Judson?"

3 And the roll being called:

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

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

9 Excused: Foster and Stalzer

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

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

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

15 **HB 1123:** FOR AN ACT ENTITLED, An Act to authorize school boards to modify the length of
16 terms for members to allow for holding joint elections.

17 Were read the second time.

18 The question being "Shall **HB 1039 and 1123** pass as amended?"

19 And the roll being called:

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

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

25 Excused: Foster and Stalzer

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

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

29 **HB 1193:** FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial
30 Code.

31 Was read the second time.

32 The question being "Shall **HB 1193** pass?"

33 And the roll being called:

34 Yeas 24, Nays 9, Excused 2, Absent 0

1 Yeas: Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Hunhoff,
2 Johnson, Steve Kolbeck, Larson, Mehlhaff, Nesiba, Herman Otten, Reed, Rohl, Schoenbeck,
3 Schoenfish, Tobin, Wheeler, Wiik, Wink, and Zikmund

4 Nays: Beal, Castleberry, Frye-Mueller, Hoffman, Klumb, Jack Kolbeck, Maher, Novstrup, and
5 Pischke

6 Excused: Foster and Stalzer

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

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

11 Was read the second time.

12 The question being "Shall **HB 1045** pass?"

13 And the roll being called:

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

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

19 Excused: Foster and Stalzer

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 **HB 1016:** FOR AN ACT ENTITLED, An Act to authorize the South Dakota Department of
23 Corrections to construct a prison facility for offenders committed to the Department of Corrections
24 in Rapid City, to make an appropriation therefor, and to declare an emergency.

25 Was read the second time.

26 The question being "Shall **HB 1016** pass?"

27 And the roll being called:

28 Yeas 32, Nays 1, Excused 2, Absent 0

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

33 Nays: Frye-Mueller

34 Excused: Foster and Stalzer

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

1 **HB 1021:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation
2 Commission and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **HB 1021** pass?"

5 And the roll being called:

6 Yeas 31, Nays 2, Excused 2, Absent 0

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

11 Nays: Frye-Mueller and Hoffman

12 Excused: Foster and Stalzer

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

15 **HB 1017:** FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to
16 purchase certain real property, to contract for the design of a prison facility for offenders committed
17 to the Department of Corrections, to make an appropriation therefor, to transfer funds to the
18 incarceration construction fund, and to declare an emergency.

19 Was read the second time.

20 The question being "Shall **HB 1017** pass as amended?"

21 And the roll being called:

22 Yeas 32, Nays 1, Excused 2, Absent 0

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

27 Nays: Frye-Mueller

28 Excused: Foster and Stalzer

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 **HB 1023:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a
32 maintenance shop for the Wildland Fire Suppression Division in Rapid City and to declare an
33 emergency.

34 Was read the second time.

35 The question being "Shall **HB 1023** pass?"

36 And the roll being called:

1 Yeas 32, Nays 1, Excused 2, Absent 0

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

6 Nays: Pischke

7 Excused: Foster and Stalzer

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

10 **HB 1022:** FOR AN ACT ENTITLED, An Act to make an appropriation for design costs related to
 11 the construction of the new state public health laboratory, and to declare an emergency.

12 Was read the second time.

13 Sen. Wiik moved that **HB 1022** be amended as follows:

14 1022B

15 On page 1, line 4, of the Joint Appropriations Engrossed bill, delete "\$2,000,000" and insert "
 16 \$5,000,000"

17 Which motion prevailed.

18 The question being "Shall **HB 1022** pass as amended?"

19 And the roll being called:

20 Yeas 30, Nays 3, Excused 2, Absent 0

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

25 Nays: Frye-Mueller, Hoffman, and Pischke

26 Excused: Foster and Stalzer

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

29 **HB 1035:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
 30 Revenue for the modernization of the motor vehicle administration system, and to declare an
 31 emergency.

32 Was read the second time.

33 The question being "Shall **HB 1035** pass?"

34 And the roll being called:

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

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

6 Excused: Foster and Stalzer

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 **HB 1078:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
10 Human Services for the development and expansion of adult day services programs and to declare
11 an emergency.

12 Was read the second time.

13 The question being "Shall **HB 1078** pass as amended?"

14 And the roll being called:

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

16 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
17 Duhamel, Foster, Hoffman, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher,
18 Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Rohl, Schoenbeck, Schoenfish, Tobin, Wheeler,
19 Wiik, Wink, and Zikmund

20 Excused: Frye-Mueller, Reed, and Stalzer

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

23 **HB 1024:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a
24 maintenance shop for the Wildland Fire Suppression Division in Hot Springs and to declare an
25 emergency.

26 Was read the second time.

27 The question being "Shall **HB 1024** pass?"

28 And the roll being called:

29 Yeas 31, Nays 1, Excused 3, Absent 0

30 Yeas: Beal, Bolin, Bordeaux, Breitling, Castleberry, Crabtree, Davis, Deibert, Diedrich,
31 Duhamel, Frye-Mueller, Hoffman, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson,
32 Maher, Mehlhaff, Nesiba, Novstrup, Herman Otten, Rohl, Schoenbeck, Schoenfish, Tobin, Wheeler,
33 Wiik, Wink, and Zikmund

34 Nays: Pischke

35 Excused: Foster, Reed, and Stalzer

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

1 **HB 1079:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
2 Health to provide grants to support mental health and suicide prevention programs, and to declare
3 an emergency.

4 Was read the second time.

5 The question being "Shall **HB 1079** pass as amended?"

6 And the roll being called:

7 Yeas 27, Nays 6, Excused 2, Absent 0

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

11 Nays: Beal, Bolin, Frye-Mueller, Maher, Pischke, and Wiik

12 Excused: Reed and Stalzer

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

15 **HB 1117:** FOR AN ACT ENTITLED, An Act to make an appropriation to support the small and
16 mid-sized manufacturers, and to declare an emergency.

17 Was read the second time.

18 Sen. Breitling moved that **HB 1117** be laid on the table.

19 The question being on Sen. Breitling's motion that **HB 1117** be laid on the table.

20 And the roll being called:

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

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

26 Excused: Reed and Stalzer

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 President declared the motion carried and **HB 1117** was tabled.

29 **HB 1118:** FOR AN ACT ENTITLED, An Act to make an appropriation to support the South
30 Dakota Small Business Development Center and the South Dakota Procurement Technical Assistance
31 Center, and to declare an emergency.

32 Was read the second time.

33 Sen. Breitling moved that **HB 1118** be laid on the table.

34 The question being on Sen. Breitling's motion that **HB 1118** be laid on the table.

35 And the roll being called:

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

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

6 Excused: Reed, Stalzer, and Tobin

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion carried and **HB 1118** was tabled.

9 **HB 1143**: FOR AN ACT ENTITLED, An Act to make an appropriation for the restoration,
10 maintenance, and repair of the state capitol and to declare an emergency.

11 Was read the second time.

12 Sen. Wiik moved that **HB 1143** be laid on the table.

13 The question being on Sen. Wiik's motion that **HB 1143** be laid on the table.

14 And the roll being called:

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

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

20 Excused: Reed and Stalzer

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 President declared the motion carried and **HB 1143** was tabled.

23 **HB 1055**: FOR AN ACT ENTITLED, An Act to increase the dollar amount of South Dakota
24 opportunity scholarships.

25 Was read the second time.

26 The question being "Shall **HB 1055** pass?"

27 And the roll being called:

28 Yeas 30, Nays 4, Excused 1, Absent 0

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

32 Nays: Beal, Frye-Mueller, Herman Otten, and Pischke

33 Excused: Stalzer

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

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

5 Nays: Frye-Mueller and Pischke

6 Excused: Stalzer

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

9 There being no objection, the Senate reverted to Order of Business No. 7 - Messages from
 10 the House.

11 **MESSAGES FROM THE HOUSE**

12 Mr. President:

13 I have the honor to inform your honorable body that the House has failed to concur in Senate
 14 amendments to **HB 1185** and has appointed Representatives Deutsch (Chair), Drew Peterson, and
 15 Duffy as a committee of three on the part of the House to meet with a like committee on the part
 16 of the Senate to adjust the differences between the two houses.

17 Respectfully,
 18 Patricia Miller, Chief Clerk

19 The President Pro Tempore appointed Senators Tobin (Chair), Duhamel, and Nesiba as a
 20 committee of three on the part of the Senate to meet with a like committee on the part of the House
 21 to adjust the differences between the two houses on **HB 1185**.

22 **SIGNING OF BILLS**

23 The President publicly read the title to

24 **SB 8:** FOR AN ACT ENTITLED, An Act to revise provisions relating to addiction and prevention
 25 services professionals.

26 **SB 18:** FOR AN ACT ENTITLED, An Act to revise the appropriation for a livestock and equestrian
 27 complex at the State Fair, and to declare an emergency.

28 **SB 33:** FOR AN ACT ENTITLED, An Act to amend an appropriation for the revised construction
 29 costs of the Mineral Industries Building at the School of Mines and Technology, and to declare an
 30 emergency.

31 **SB 42:** FOR AN ACT ENTITLED, An Act to modify power of attorney requirements for certain
 32 vehicle transfer authorizations.

33 **SB 103:** FOR AN ACT ENTITLED, An Act to create a pilot program in the Unified Judicial System
 34 for risk and lethality assessments for certain persons accused of assault or protection order
 35 violations.

1 **SB 108:** FOR AN ACT ENTITLED, An Act to provide an educational exception to consumption
 2 prohibitions for persons over eighteen years of age who are required to taste an alcoholic beverage
 3 as part of a course.

4 **SB 115:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding consideration of
 5 out-of-state convictions for driving under the influence.

6 **SB 129:** FOR AN ACT ENTITLED, An Act to include school employees in certain assault
 7 provisions and provide a penalty therefor.

8 **SB 176:** FOR AN ACT ENTITLED, An Act to modify certain requirements for removal from the
 9 sex offender registry.

10 **HB 1006:** FOR AN ACT ENTITLED, An Act to increase the funding for construction of an addition
 11 to the Kinsman Building in Pierre, to make an appropriation therefor, and to declare an emergency.

12 **HB 1007:** FOR AN ACT ENTITLED, An Act to add emergency medical services personnel to
 13 Class B public safety membership of the South Dakota Retirement System.

14 **HB 1009:** FOR AN ACT ENTITLED, An Act to update and clarify certain provisions relating to
 15 the South Dakota Retirement System.

16 **HB 1032:** FOR AN ACT ENTITLED, An Act to make an appropriation for the demolition and
 17 reconstruction of agricultural-use structures at South Dakota State University, and to declare an
 18 emergency.

19 **HB 1056:** FOR AN ACT ENTITLED, An Act to modify the limit of consecutive terms for members
 20 of the Board of Technical Education.

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

23 **HB 1162:** FOR AN ACT ENTITLED, An Act to authorize employers to acquire and make available
 24 opioid antagonists.

25 **HB 1196:** FOR AN ACT ENTITLED, An Act to make an appropriation for improving the buildings
 26 and grounds of the capitol complex and declare an emergency.

27 **HB 1215:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the operation
 28 of a golf cart on a state or county highway.

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

30 **COMMEMORATIONS**

31 **SC 815:** A LEGISLATIVE COMMEMORATION, Recognizing and honoring the twenty-fifth
 32 anniversary of the First Peoples Fund.

33 Introduced by: **Senators** Foster, Larson, and Nesiba and **Representatives** Duba, Emery,
 34 Pinnow, Pourier, and Wittman

35 **SC 816:** A LEGISLATIVE COMMEMORATION, Recognizing and honoring Kevin Locke, a world-
 36 famous Hoop Dancer, player of the North American Indigenous flute, traditional storyteller, cultural
 37 ambassador, and educator.

38 Introduced by: **Senators** Foster, Deibert, Larson, Nesiba, Reed, and Schoenbeck and
 39 **Representatives** Duba, Emery, Pinnow, Pourier, Reisch, and Wittman

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

3

Kay Johnson, Secretary

