

JOURNAL OF THE SENATE

NINETY-EIGHTH SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 08, 2023

The Senate convened at 9:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Rachel Byrum, followed by the Pledge of Allegiance led by Senate pages Emily Robbins and Natalie Severson.

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 35th 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 Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 1, 91, 118, and 174** and finds the same correctly enrolled.

Respectfully submitted,
Lee A. Schoenbeck, Chair

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform your honorable body that the House has failed to concur in Senate amendments to **HB 1106** and no committee was appointed.

Respectfully,
Patricia Miller, Chief Clerk

SIGNING OF BILLS

The President publicly read the title to

SB 1: FOR AN ACT ENTITLED, An Act to modify debilitating medical conditions for medical cannabis use.

SB 91: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime of rape and provide a penalty therefor.

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

SB 174: FOR AN ACT ENTITLED, An Act to prohibit the enactment or implementation of an ordinance, resolution, or policy that prohibits the use of an energy utility service.

HB 1065: FOR AN ACT ENTITLED, An Act to increase the maximum amount of dollars payable by the state to erect the headstone of a deceased veteran.

HB 1154: FOR AN ACT ENTITLED, An Act to modify acceptable conduct for practitioners related to medical cannabis.

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

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

And signed the same in the presence of the Senate.

Sen. Crabtree moved that the Senate do now recess until 10:30 a.m.

Which motion prevailed and at 9:06 a.m., the Senate recessed.

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RECESS

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The Senate reconvened at 10:30 a.m., the President presiding.

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

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MESSAGES FROM THE HOUSE

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Mr. President:

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I have the honor to inform your honorable body that the House has appointed Representatives Bartels (Chair), Karr, and Lesmeister as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 156**.

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Also Mr. President:

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I have the honor to inform your honorable body that the House has appointed Representatives Kevin Jensen (Chair), Deutsch, and Tordsen as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 134**.

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Also Mr. President:

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I have the honor to inform your honorable body that the House has appointed Representatives Deutsch (Chair), Koth, and Bahmuller as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 16**.

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Also Mr. President:

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I have the honor to inform your honorable body that the House has appointed Representatives Derby (Chair), Venhuizen, and Kassin as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 149**.

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Respectfully,
Patricia Miller, Chief Clerk

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MOTIONS AND RESOLUTIONS

29

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Sen. Crabtree moved that the consideration of House amendments to **SB 104** and **SB 112** be moved to the bottom of today's calendar.

31

Which motion prevailed.

1 Sen. Frye-Mueller and Sen. Pischke moved for the establishment of a Select Committee on
2 Discipline and Expulsion (Rule S8-1) to investigate the conduct of Sen. Schoenbeck regarding
3 disparaging comments made in both Senate Committees and on the Senate Floor.

4 Motion failed for lack of a second.

5 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

6 Sen. Crabtree moved that the report of the Conference Committee on **HB 1141** as found on
7 page 449 of the Senate Journal be adopted.

8 The question being on Sen. Crabtree's motion that the report of the Conference Committee on
9 **HB 1141** be adopted.

10 And the roll being called:

11 Yeas 27, Nays 3, Excused 5, Absent 0

12 Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Foster, Hoffman,
13 Hunhoff, Johnson, Larson, Maher, Mehlhaff, Nesiba, Herman Otten, Pischke, Reed, Rohl,
14 Schoenbeck, Schoenfish, Stalzer, Wheeler, Wiik, Wink, and Zikmund

15 Nays: Frye-Mueller, Klumb, and Jack Kolbeck

16 Excused: Castleberry, Duhamel, Steve Kolbeck, Novstrup, and Tobin

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 President declared the motion carried and the report was adopted.

19 Sen. Hunhoff moved that the report of the Conference Committee on **HB 1022** as found on
20 page 449 of the Senate Journal be adopted.

21 The question being on Sen. Hunhoff's motion that the report of the Conference Committee on
22 **HB 1022** be adopted.

23 And the roll being called:

24 Yeas 26, Nays 4, Excused 5, Absent 0

25 Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Foster, Hunhoff,
26 Johnson, Klumb, Jack Kolbeck, Larson, Mehlhaff, Nesiba, Herman Otten, Reed, Rohl, Schoenbeck,
27 Schoenfish, Stalzer, Wheeler, Wiik, Wink, and Zikmund

28 Nays: Frye-Mueller, Hoffman, Maher, and Pischke

29 Excused: Castleberry, Duhamel, Steve Kolbeck, Novstrup, and Tobin

30 So the motion having received an affirmative vote of a two-thirds majority of the members-
31 elect, the President declared the motion carried and the report was adopted.

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SIGNING OF BILLS

The President publicly read the title to

HB 1174: FOR AN ACT ENTITLED, An Act to provide for appropriate civil commitment of certain persons.

HB 1176: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding on-sale alcoholic beverage licenses for use at municipality-owned facilities.

HB 1239: FOR AN ACT ENTITLED, An Act to prohibit a ban of fuel gas appliances used by consumers.

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

And signed the same in the presence of the Senate.

Sen. Crabtree moved that the Senate do now recess until 2:00 p.m.

Which motion prevailed and at 10:49 a.m., the Senate recessed.

RECESS

The Senate reconvened at 2:00 p.m., the President presiding.

There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Mr. President:

The Committee on Legislative Procedure respectfully reports that **SB 4, 51, 53, 64, 70, 75, 89, 90, 120, 139, 141, 146, 160, 161, 168, 172, 173, 189, and 207** were delivered to her Excellency, the Governor, for her approval at 10:45 a.m., March 8, 2023.

Respectfully submitted,
Lee A. Schoenbeck, Chair

Mr. President:

The Committee on Senate State Affairs respectfully reports that it has had under consideration the nomination of Patrick Pardy of Miner County, Howard, South Dakota, to the position of Assistant Adjutant General, Army and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Respectfully submitted,
Casey Crabtree, Chair

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CONSIDERATION OF EXECUTIVE APPOINTMENTS

2

The Senate proceeded to the consideration of the executive appointment of Patrick Pardy of Miner County, Howard, South Dakota, to the position of Assistant Adjutant General, Army.

4

The question being "Does the Senate advise and consent to the executive appointment of Patrick Pardy pursuant to the executive message as found on page 296 of the Senate Journal?"

6

And the roll being called:

7

Yeas 30, Nays 0, Excused 5, Absent 0

8

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

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Excused: Castleberry, Foster, Hunhoff, Wiik, and Zikmund

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

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CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

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Mr. President:

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The SB 134 A Conference Committee on **SB 134** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

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134M

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On the House Health and Human Services Engrossed bill, delete everything after the enacting clause and insert:

23

"

24

Section 1. That § 34-20G-92 be AMENDED:

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34-20G-92. The Executive Board of the Legislative Research Council shall appoint an oversight committee comprised of: ~~one member of the House of Representatives, one member of the Senate, one Division of Criminal Investigation agent, one staff member from the Office of the Attorney General, two representatives of law enforcement, one representative from the department, one practitioner with experience in medical cannabis issues, one nurse, one board member or principal officer of a cannabis testing facility, one person with experience in policy development or implementation in the field of medical cannabis, and three qualifying patients~~ consisting of:

32

(1) Two members of the Senate;

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(2) Two members of the House of Representatives;

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(3) A physician licensed in accordance with chapter 36-4;

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(4) A physician assistant licensed in accordance with chapter 36-4A;

36

(5) A certified nurse practitioner licensed in accordance with chapter 36-9A;

1 (6) A pharmacist licensed in accordance with chapter 36-11;

2 (7) The chief of police for a municipality having a population in excess of fifty-thousand, or a
 3 representative of the police department designated by the chief;

4 (8) The sheriff of a county or a representative of the sheriff's office designated by the sheriff;
 5 and

6 (9) A professional counselor licensed in accordance with chapter 36-32 or an addiction
 7 counselor licensed in accordance with chapter 36-34.

8 Each appointee shall serve for a term of two years and may be reappointed.

9 **Section 2. That chapter 34-20G be amended with a NEW SECTION:**

10 Beginning in 2023, and every two years thereafter, the oversight committee shall select from
 11 among itself one legislator to serve as the chair and one legislator, from the opposite chamber, to
 12 serve as the vice chair.

13 Beginning in 2025, the legislators selected to serve as the chair and vice chair may not be from
 14 the same chamber as their immediate predecessors.

15 **Section 3. That § 34-20G-93 be AMENDED:**

16 **34-20G-93.** The oversight committee shall meet at least two times per year for the purpose
 17 of evaluating and making recommendations to the Legislature and the department regarding:

18 (1) The ability of qualifying patients in all areas of the state to obtain timely access to
 19 high-quality medical cannabis;

20 (2) The effectiveness of the dispensaries and cultivation facilities, individually and
 21 together, in serving the needs of qualifying patients, including the provision of educational and
 22 support services by dispensaries, the reasonableness of their prices, whether they are generating
 23 any complaints or security problems, and the sufficiency of the number operating to serve the state's
 24 registered qualifying patients;

25 (3) The effectiveness of the cannabis testing facilities, including whether a sufficient
 26 number are operating;

27 (4) The sufficiency of the regulatory and security safeguards contained in this chapter
 28 and adopted by the department to ensure that access to and use of cannabis cultivated is provided
 29 only to cardholders;

30 (5) Any recommended additions or revisions to the department regulations or this
 31 chapter, including relating to security, safe handling, labeling, and nomenclature; and

32 (6) Any research studies regarding health effects of medical cannabis for patients.

33 The oversight committee shall ensure that it seeks relevant input from qualifying patients;
 34 designated caregivers; school boards and administrators; parents; municipal representatives; state
 35 agencies, including the Department of Health, the South Dakota Division of Criminal Investigation,
 36 and the Department of Public Safety; and medical cannabis establishments.

37 "

38 Respectfully submitted,
 39 Helene Duhamel, Chair

Respectfully submitted,
 Kevin D. Jensen, Chair

1 Sen. Duhamel moved that the report of the Conference Committee on **SB 134** be adopted.

2 Sen. Wheeler made a substitute motion that the Senate do not concur in House amendments
3 to **SB 134** and that no committee be appointed.

4 The question being on Sen. Wheeler's substitute motion that the Senate do not concur in House
5 amendments to **SB 134** and that no committee be appointed.

6 And the roll being called:

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

8 Yeas: Bordeaux, Davis, Foster, Larson, Maher, Nesiba, Pischke, Reed, Rohl, Schoenfish, and
9 Wheeler

10 Nays: Beal, Bolin, Breitling, Crabtree, Deibert, Diedrich, Duhamel, Frye-Mueller, Hoffman,
11 Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Mehlhaff, Novstrup, Herman Otten,
12 Schoenbeck, Stalzer, Tobin, Wiik, and Wink

13 Excused: Castleberry and Zikmund

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

16 The question being on Sen. Duhamel's motion that the report of the Conference Committee on
17 **SB 134** be adopted.

18 And the roll being called:

19 Yeas 21, Nays 12, Excused 2, Absent 0

20 Yeas: Beal, Bolin, Breitling, Crabtree, Deibert, Diedrich, Duhamel, Frye-Mueller, Hoffman,
21 Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Mehlhaff, Novstrup, Schoenbeck, Stalzer,
22 Tobin, Wiik, and Wink

23 Nays: Bordeaux, Davis, Foster, Larson, Maher, Nesiba, Herman Otten, Pischke, Reed, Rohl,
24 Schoenfish, and Wheeler

25 Excused: Castleberry and Zikmund

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion carried and the report was adopted.

28 Mr. President:

29 The SB 105 A Conference Committee on **SB 105** respectfully reports that it has considered the
30 disagreement of the two houses, and amended **SB 105** as follows:

31 105B

32 On page 1, line 1, of the House Appropriations Engrossed bill, delete "require updated cost
33 report information" and insert " revise provisions related to the review of reimbursement rates"

34 On page 1, line 6, of the House Appropriations Engrossed bill, delete " jointly" and insert ", as
35 applicable,"

1 On page 1, line 7, of the House Appropriations Engrossed bill, after "providers" insert " listed
2 in § 28-22-6"

3 On page 1, line 8, of the House Appropriations Engrossed bill, delete "Any rate models
4 determined by the comprehensive rate model analysis must be reviewed and reported annually to
5 include cost report information, rate model components utilizing the most relevant inflation factor
6 respective of the analysis, and other market factors as warranted pursuant to §§ 28-22-2 and 28-
7 22-3. " and insert " In each intervening year, the department shall review the reimbursement rates
8 for each provider service category using the established rate model to determine whether the
9 allowable costs for each category accurately reflect the provider's current costs as reported to the
10 department in the provider's annual cost report. The department shall report its findings from the
11 annual reimbursement rate review in the annual report required by § 28-22-5. The report must
12 include the costs considered and the calculations used by the department in reaching its findings.
13 The report must also show any year-over-year difference between the then-authorized
14 reimbursement rate for each provider service category and the reimbursement rate necessary to
15 cover the current costs for that category based on the information contained in the providers' annual
16 cost reports. "

17 On page 1, line 12, of the House Appropriations Engrossed bill, after "may" delete " elect to"

18 On page 1, line 13, of the House Appropriations Engrossed bill, after "the " insert
19 "comprehensive rate modeling "

20 On page 1, line 13, of the House Appropriations Engrossed bill, after "analysis" delete " earlier
21 or"

22 On page 1, line 13, of the House Appropriations Engrossed bill, after "basis " insert "than every
23 five years ".

24 Also Mr. President:

25 The SB 105 A Conference Committee on **SB 105** respectfully reports that it has considered the
26 disagreement of the two houses, and returns the same with the recommendation that the Senate
27 and House do NOT concur with the amendments to **SB 105**, and do NOT appoint a new committee.

28 Respectfully submitted,
29 Jean Hunhoff, Chair

Respectfully submitted,
Chris Karr, Chair

30 Sen. Hunhoff moved that the report of the Conference Committee on **SB 105** be adopted.

31 The question being on Sen. Hunhoff's motion that the report of the Conference Committee on
32 **SB 105** be adopted.

33 And the roll being called:

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

35 Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Duhamel, Foster,
36 Frye-Mueller, Hoffman, Hunhoff, Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Larson, Maher,
37 Mehlhaff, Nesiba, Novstrup, Herman Otten, Pischke, Reed, Rohl, Schoenbeck, Schoenfish, Stalzer,
38 Tobin, Wheeler, Wiik, and Wink

39 Excused: Castleberry and Zikmund

40 So the motion having received an affirmative vote of a majority of the members-elect, the
41 President declared the motion carried and the report was adopted.

1 Mr. President:

2 The SB 149 A Conference Committee on **SB 149** respectfully reports that it has considered the
3 disagreement of the two houses, and returns the same with the recommendation that the Senate
4 and House do NOT concur with the amendments to **SB 149** and do NOT appoint a new committee.

5 Respectfully submitted,
6 Jean Hunhoff, Chair

Respectfully submitted,
Mike Derby, Chair

7 Sen. Hunhoff moved that the report of the Conference Committee on **SB 149** be adopted.

8 The question being on Sen. Hunhoff's motion that the report of the Conference Committee on
9 **SB 149** be adopted.

10 And the roll being called:

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

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

16 Excused: Castleberry and Zikmund

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 President declared the motion carried and the report was adopted.

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

21 **MESSAGES FROM THE HOUSE**

22 Mr. President:

23 I have the honor to inform your honorable body that the House has failed to adopt the report
24 of the Conference Committee on **SB 134** and has appointed Representatives May (Chair), Drew
25 Peterson, and Sauder as a new committee of three on the part of the House to meet with a like
26 committee on the part of the Senate to adjust the differences between the two houses.

27 Respectfully,
28 Patricia Miller, Chief Clerk

29 The President Pro Tempore appointed Senators Duhamel (Chair), Steve Kolbeck, and Tobin as
30 a committee of three on the part of the Senate to meet with a like committee on the part of the
31 House to adjust the differences between the two houses on **SB 134**.

32 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
33 Committees.

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REPORTS OF STANDING COMMITTEES

Mr. President:

The Committee on Legislative Procedure respectfully reports that **SB 1, 67, 91, 118, 159, and 174** were delivered to her Excellency, the Governor, for her approval at 4:40 p.m., March 8, 2023.

Respectfully submitted,
Lee A. Schoenbeck, Chair

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform your honorable body that the House has adopted the report of the Conference Committee on **SB 105**.

Also Mr. President:

I have the honor to inform your honorable body that the House has adopted the report of the Conference Committee on **SB 149**.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Crabtree moved that the consideration of House amendments to **SB 104** and **SB 112** be deferred to Thursday, March 9, 2023, the 37th legislative day.

Which motion prevailed.

Sen. Crabtree moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on Thursday, March 9, 2023, the 37th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The SB 16 A Conference Committee on **SB 16** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

1 On page 1, line 4, of the House Engrossed bill, delete " \$1,869" and insert " \$6,250,000".

2 Respectfully submitted,
3 John Wiik, Chair

Respectfully submitted,
Fred Deutsch, Chair

4 Sen. Wiik moved that the report of the Conference Committee on **SB 16** be adopted.

5 The question being on Sen. Wiik's motion that the report of the Conference Committee on
6 **SB 16** be adopted.

7 And the roll being called:

8 Yeas 27, Nays 3, Excused 5, Absent 0

9 Yeas: Beal, Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Foster, Hunhoff,
10 Johnson, Klumb, Jack Kolbeck, Steve Kolbeck, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed,
11 Rohl, Schoenbeck, Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Wink

12 Nays: Frye-Mueller, Hoffman, and Pischke

13 Excused: Castleberry, Duhamel, Larson, Maher, and Zikmund

14 So the motion having received an affirmative vote of a two-thirds majority of the members-
15 elect, the President declared the motion carried and the report was adopted.

16 Mr. President:

17 The SB 59 A Conference Committee on **SB 59** respectfully reports that it has considered the
18 disagreement of the two houses, and returns the same with the recommendation that said bill be
19 amended as follows:

20 59F

21 On page 1, line 2, of the House Engrossed bill, delete " infrastructure projects" and insert "
22 programs"

23 On page 1, line 5, of the House Engrossed bill, delete " \$5" and insert " \$5,000,000"

24 On page 1, line 7, of the House Engrossed bill, delete "the construction, addition, and equipping
25 of " and insert " equipment for "

26 On page 1, line 7, of the House Engrossed bill, after "existing" delete " area"

27 On page 1, line 7, of the House Engrossed bill, delete " centers" and insert " and technical
28 education programs"

29 On page 1, line 9, of the House Engrossed bill, after "grants. " insert "To be eligible for a grant,
30 a school district must partner, or intend to partner, with another school district or multidistrict to
31 offer the applicable career and technical education program. "

32 On page 1, line 10, of the House Engrossed bill, delete " an applicant" and insert " a school
33 district or multidistrict"

34 On page 1, line 11, of the House Engrossed bill, delete "(1) Collaborates with another school
35 district or multidistrict in operating an existing area career center, or intends to collaborate with
36 other school districts or multidistricts by establishing a new area career center;

1 (2)" and insert "(1)"

2 On page 1, line 16, of the House Engrossed bill, delete "(3)" and insert "(2)"

3 On page 1, line 17, of the House Engrossed bill, delete " a" and insert " the"

4 On page 1, line 17, of the House Engrossed bill, delete " expanded area" and insert " existing"

5 On page 1, line 17, of the House Engrossed bill, delete " center" and insert " and technical
6 education program"

7 On page 1, line 19, of the House Engrossed bill, after "of" delete " matching"

8 On page 1, line 21, of the House Engrossed bill, delete " project" and insert " career and
9 technical education program".

10 Respectfully submitted,
11 David Wheeler, Chair

Respectfully submitted,
Hugh M. Bartels, Chair

12 Sen. Wheeler moved that the report of the Conference Committee on **SB 59** be adopted.

13 The question being on Sen. Wheeler's motion that the report of the Conference Committee on
14 **SB 59** be adopted.

15 And the roll being called:

16 Yeas 25, Nays 5, Excused 5, Absent 0

17 Yeas: Bolin, Bordeaux, Breitling, Crabtree, Davis, Deibert, Diedrich, Foster, Hunhoff, Johnson,
18 Klumb, Steve Kolbeck, Mehlhaff, Nesiba, Novstrup, Herman Otten, Reed, Rohl, Schoenbeck,
19 Schoenfish, Stalzer, Tobin, Wheeler, Wiik, and Wink

20 Nays: Beal, Frye-Mueller, Hoffman, Jack Kolbeck, and Pischke

21 Excused: Castleberry, Duhamel, Larson, Maher, and Zikmund

22 So the motion having received an affirmative vote of a two-thirds majority of the members-
23 elect, the President declared the motion carried and the report was adopted.

24 Sen. Bolin moved that the Senate do now adjourn, which motion prevailed and at 6:04 p.m.
25 the Senate adjourned.

26 Kay Johnson, Secretary

