Roll Call

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Russell

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 06TH

Moved by: Kennedy
Second by: Klumb
Action: Prevailed by voice vote

DAVID GIENAPP OF LAKE COUNTY, MADISON, SOUTH DAKOTA, TO THE GOVERNMENT ACCOUNTABILITY BOARD

Proponents: TOM HART, Governor's Office

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF DAVID GIENAPP OF LAKE COUNTY, MADISON, SOUTH DAKOTA, TO THE GOVERNMENT ACCOUNTABILITY BOARD

Moved by: Rusch
Second by: Schoenbeck
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Blare, Klumb, Schoenbeck, Stalzer, Kennedy, Rusch, and Russell

SB 46: revise provisions related to the restoration of competency of criminal defendants.

Proponents: Laura Ringling, Department of Social Services
Staci Ackerman, SD Sheriffs Association
Greg Sattizahn, Unified Judicial System
Terry Dosch, SD Council of Community Behavioral Health

Opponents: Justin Bell, SD Association of Criminal Defense Lawyers (Handout(s) 1,2,3)

MOTION: AMEND SB 46

On page 1, line 11, of the Introduced bill, delete "treatment" and insert "restoration to competency"
On page 1, line 14, delete "treatment" and insert "restoration to competency"
On page 2, line 17, delete "treatment" and insert "restoration to competency"
On page 2, line 18, delete "treatment" and insert "restoration to competency"
On page 2, line 22, delete "Treatment" and insert "Restoration to competency"
On page 2, line 23, delete "treatment" and insert "restoration to competency"
On page 2, line 26, delete "treatment" and insert "restoration to competency"
On page 3, line 7, delete "treatment" and insert "restoration to competency"
On page 3, line 8, delete "treatment" and insert "restoration to competency"
On page 3, line 14, delete "treatment" and insert "restoration to competency"
On page 3, line 16, delete "treatment" and insert "restoration to competency"
On page 3, line 22, delete "treatment" and insert "restoration to competency"
On page 3, line 23, delete "treatment" and insert "restoration to competency"
On page 4, line 3, delete "treatment" and insert "restoration to competency"
On page 4, line 5, delete "treatment" and insert "restoration to competency"
On page 4, line 6, delete "treatment" and insert "restoration to competency"
On page 4, line 11, delete "treatment" and insert "restoration to competency"
On page 4, line 12, delete "treatment" and insert "restoration to competency"

Moved by: Rusch
Second by: Stalzer
Action: Prevailed by voice vote

MOTION: AMEND SB 46

On page 1, line 14, of the Introduced bill, after "if " insert "the court makes a written finding that "
On page 1, line 15, of the Introduced bill, after "others" insert "and is otherwise eligible for bond"
On page 2, line 19, of the Introduced bill, after "if" insert "the court makes a written finding that"
On page 2, line 20, of the Introduced bill, after "others" insert "and is otherwise eligible for bond"
On page 4, line 6, of the Introduced bill, delete the comma and insert "or"
On page 4, line 6, of the Introduced bill, after "facility" delete ", or on outpatient status for treatment"
On page 4, line 11, of the Introduced bill, delete the comma and insert "or"
On page 4, line 12, of the Introduced bill, after "detention" delete ", or on outpatient status for treatment"

Moved by: Stalzer
Second by: Rusch
Action: Prevailed by voice vote

MOTION: AMEND SB 46

On page 2, line 25, of the Introduced bill, delete the comma and insert "or"
On page 2, line 25, of the Introduced bill, after "outpatient delete ", or jail-based"
On page 2, line 25, of the Introduced bill, after "setting. " delete "The term includes a county jail upon
the concurrence of the county sheriff to provide treatment in the jail under the
direction of an approved facility."

Moved by: Kennedy
Second by: Klumb
Action: Failed by voice vote

MOTION: DO PASS SB 46 AS AMENDED

Moved by: Stalzer
Second by: Rusch
Action: Prevailed by Majority Members Elect (6-1-0-0)

Voting Yes: Blare, Klumb, Schoenbeck, Stalzer, Rusch, and Russell
Voting No: Kennedy

MOTION: AMEND SB 65
On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added:
Attorneys' fees and costs.
In a judicial proceeding involving a trust estate, the court, as justice and equity may require, may award costs and expenses, including reasonable attorneys' fees, to any party or to the trust, to be paid by another party or from the trust that is the subject of the controversy. If paid from the trust, the payment may be charged against future distributions to a beneficiary."
Moved by: Schoenbeck
Second by: Kennedy
Action: Prevailed by voice vote

SB 65: revise certain provisions pertaining to trusts.

Presented by: Senator Jeff Partridge (Handout(s) 4)
Proponents: Pat Goetzinger, Trust Task Force, Rapid City, SD
Terra Fisher, South Dakota Trust Association
Bret Afdahl, Department of Labor and Regulation

MOTION: DO PASS SB 65 AS AMENDED

Moved by: Schoenbeck
Second by: Stalzer
Action: Prevailed by Majority Members Elect (6-1-0-0)

Voting Yes: Blare, Klumb, Schoenbeck, Stalzer, Rusch, and Russell
Voting No: Kennedy

MOTION: AMEND SB 120

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

"Section 1. That § 23-7-45 be AMENDED:
23-7-45. Exceptions to prohibition against possession of pistols by minors.
The provisions of § 23-7-44 or to are not applicable to a minor and a criminal prosecution for possession of a pistol brought after transfer pursuant to chapter 26-11, do not apply to any is not applicable to a minor who has if the minor had the prior written consent of the minor's parent or guardian to possess such the pistol, and:
(1) That the minor was in the presence of the minor's parent or guardian;
(2) That the minor was on premises owned or leased by the minor or the minor's parent, guardian, or immediate family member;
(3) That the minor was in the presence of a licensed or accredited gun safety instructor; or
(4) That the pistol was being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.
"
Moved by: Kennedy
Second by: Klumb
Action: Prevailed by voice vote
SB 120: establish exceptions regarding the possession of a pistol by a minor.

Presented by: Senator Jim Stalzer

**MOTION:** DO PASS SB 120 AS AMENDED

Moved by: Klumb
Second by: Schoenbeck
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Blare, Klumb, Schoenbeck, Stalzer, Kennedy, and Russell

Excused: Rusch

SB 126: provide civil remedies for certain construction permits issued by the Public Utilities Commission.

Presented by: Senator Troy Heinert (Handout(s) 5)
Proponents: Remi Bald Eagle, Cheyenne River Sioux Tribe, Eagle Butte, SD
Rebecca Terk, Dakota Rural Action

Opponents: Drew Duncan, Trans Canada, Sioux Falls, SD
Brett Koenecke, SD Electric Utilities, Pierre, SD

**MOTION:** DO PASS SB 126

Moved by: Kennedy
Action: Died for lack of a second

**MOTION:** DEFER SB 126 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Klumb
Action: Prevailed by Majority Members Elect (5-1-1-0)

Voting Yes: Blare, Klumb, Schoenbeck, Stalzer, and Russell

Voting No: Kennedy

Excused: Rusch

**MOTION:** ADJOURN

Moved by: Klumb
Second by: Schoenbeck
Action: Prevailed by voice vote

Rachael Person, Committee Secretary

/s/ LANCE RUSSELL
Lance Russell, Chair

Page 4 of 4