

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 26, 2012

The Senate convened at 1:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Larry Cass, followed by the Pledge of Allegiance led by Senate page Luke Crance.

Roll Call: All members present except Sens. Lederman and Nygaard who were 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 ninth 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,
Bob Gray, Chair

Which motion prevailed.

1

HONORED GUESTS

2

3

The President introduced Walt Bones, Secretary of Agriculture, who presented the 2011 Legislative Showmanship Trophy to the winner, Senator Larry Tidemann.

4

REPORTS OF STANDING COMMITTEES

5

MR. PRESIDENT:

6

7

8

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 83 and returns the same with the recommendation that said bill be amended as follows:

9

83ta

10

On page 4, after line 10 of the printed bill, insert:

11

"Section 7. That § 46A-3B-3 be amended to read as follows:

12

13

14

15

16

17

18

19

46A-3B-3. As soon as possible following each decennial census of population or any adjustment to a water development district boundary, the Board of Water and Natural Resources shall ascertain whether the number of board members should be adjusted, adjust the same, and redistrict water development district director areas to reflect changes in the population of the water development district so as to assure equitable representation of all areas within the water development district. The board may make adjustments to water development district director areas to reflect precinct changes made pursuant to chapter 12-14 if equitable representation of all areas remains assured."

20

And that as so amended said bill do pass and be placed on the consent calendar.

21

22

Respectfully submitted,

Shantel Krebs, Chair

23

Also MR. PRESIDENT:

24

25

26

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 35 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration SB 65 and returns the same with the recommendation that said bill be amended
4 as follows:

5 65ob

6 On page 1, line 13, of the printed bill, delete everything before "if" and insert "§ 51A-1-2
7 and sections 2 and 3 of this Act".

8 On page 2, line 12, after "means" insert "a".

9 And that as so amended said bill do pass.

10 Respectfully submitted,
11 Tom Nelson, Chair

12 Also MR. PRESIDENT:

13 The Committee on Appropriations respectfully reports that it has had under consideration
14 SB 4, 9, 36, and 47 and returns the same with the recommendation that said bills do pass.

15 Also MR. PRESIDENT:

16 The Committee on Appropriations respectfully reports that it has had under consideration
17 SB 38 and returns the same with the recommendation that said bill be amended as follows:

18 38aa

19 On page 1, line 8, of the printed bill, delete "four hundred sixty-" and insert "four hundred
20 thousand dollars (\$400,000)".

21 On page 1, line 9, delete "five thousand dollars (\$465,000)".

22 And that as so amended said bill do pass.

23 Respectfully submitted,
24 Corey Brown, Chair

25 Also MR. PRESIDENT:

26 The Committee on Judiciary respectfully reports that it has had under consideration
27 HB 1022 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration
3 HB 1023 and 1025 and returns the same with the recommendation that said bills do pass and
4 be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Judiciary respectfully reports that it has had under consideration SB 78
7 and returns the same with the recommendation that said bill be amended as follows:

8 78sa

9 On page 1, line 10, of the printed bill, delete "At" and insert "With the consent of the
10 prosecuting attorney at".

11 On page 1, line 10, after "dismisses the" insert "entire".

12 On page 1, delete lines 11 and 12, and insert "record; or".

13 And that as so amended said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Judiciary respectfully reports that it has had under consideration the
16 nomination of Krista Heeren-Graber of Hutchinson County, Freeman, South Dakota, to the SD
17 Interstate Compact for Adult Offender Supervision and returns the same with the
18 recommendation that the Senate advise and consent to the confirmation of said reappointment
19 and place it on the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Judiciary respectfully reports that it has had under consideration the
22 nomination of Don Holloway of Pennington County, Rapid City, South Dakota, to the Board
23 of Pardons and Paroles and returns the same with the recommendation that the Senate advise
24 and consent to the confirmation of said appointment and place it on the consent calendar.

25 Respectfully submitted,
26 Craig Tieszen, Chair

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration SB 25
3 and returns the same with the recommendation that said bill be referred to the Committee on
4 Appropriations with a do pass recommendation.

5 Also MR. PRESIDENT:

6 The Committee on Education respectfully reports that it has had under consideration the
7 nomination of Terry Sabers of Davison County, Mitchell, South Dakota, to the South Dakota
8 Board of Education and returns the same with the recommendation that the Senate advise and
9 consent to the confirmation of said reappointment and that said confirmation be placed on the
10 consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Education respectfully reports that it has had under consideration the
13 nomination of Patricia Simmons of Minnehaha County, Sioux Falls, South Dakota, to the South
14 Dakota Board of Education and returns the same with the recommendation that the Senate
15 advise and consent to the confirmation of said reappointment and that said confirmation be
16 placed on the consent calendar.

17 Respectfully submitted,
18 J. Mark Johnston, Chair

19 **MESSAGES FROM THE HOUSE**

20 MR. PRESIDENT:

21 I have the honor to transmit herewith HB 1006, 1010, 1020, 1033, 1039, 1045, 1063, 1064,
22 and 1073 which have passed the House and your favorable consideration is respectfully
23 requested.

24 Also MR. PRESIDENT:

25 I have the honor to transmit herewith HCR 1004 which has been adopted by the House and
26 your concurrence is respectfully requested.

27 Respectfully,
28 Karen Gerdes, Chief Clerk

1 HCR 1004: A CONCURRENT RESOLUTION, Supporting and encouraging the academic
2 study of the Bible in South Dakota public schools.

3 Was read the first time, the President waived the referral to committee, and placed
4 HCR 1004 on the calendar of Monday, January 30, the 11th legislative day.

5 **CONSIDERATION OF REPORT OF COMMITTEE**

6 Sen. Olson moved that the report of the Standing Committee on

7 Health and Human Services on SB 23 as found on page 165 of the Senate Journal be
8 adopted.

9 Which motion prevailed.

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

11 SB 178 Introduced by: Senators Krebs, Hunhoff (Jean), and Lederman and Representatives
12 Brunner and Hunt

13 FOR AN ACT ENTITLED, An Act to amend the criteria for construction manager
14 engagement.

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

16 SB 179 Introduced by: Senators Hundstad and Frerichs and Representatives Greenfield,
17 Kloucek, and Schrempp

18 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Energy Infrastructure
19 Authority to make certain loans for certain energy development facilities and to provide
20 appropriations therefor.

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

22 SB 180 Introduced by: Senator Frerichs and Representative Fargen

23 FOR AN ACT ENTITLED, An Act to Proposing and submitting to the electors at the next
24 general election a new section to Article VI of the Constitution of the State of South Dakota,
25 relating to the distinction between the rights of natural persons and artificial entities.

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

1 SB 181 Introduced by: Senators Adelstein, Begalka, Bradford, Buhl, Cutler, and Lederman
2 and Representatives Magstadt, Gibson, Haggar, Kirkeby, Olson (Betty), Stricherz, Tornow, and
3 Turbiville

4 FOR AN ACT ENTITLED, An Act to repeal certain tort liability arising out of causes of
5 action based on seduction, abduction, and alienation of affectons.

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

7 SB 182 Introduced by: Senators Adelstein, Johnston, Kraus, Nygaard, Rampelberg, and
8 Schlekeway and Representatives Gosch, Kirkeby, Lust, and Sly

9 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning tax incremental
10 districts.

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

12 SB 183 Introduced by: Senators Vehle, Cutler, Fryslie, Holien, Maher, Nygaard, Olson
13 (Russell), Rhoden, Schlekeway, and Tidemann and Representatives Hoffman, Gosch, Rozum,
14 Street, Tulson, Verchio, and Wismer

15 FOR AN ACT ENTITLED, An Act to establish the elements of the offense of juvenile
16 sexting and to provide a penalty therefor.

17 Was read the first time and referred to the Committee on Judiciary.

18 SB 184 Introduced by: Senators Buhl, Hundstad, Lederman, Sutton, and Tieszen and
19 Representatives Blake, Hawley, and Jones

20 FOR AN ACT ENTITLED, An Act to prohibit hiring discrimination on the basis of current
21 employment status.

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

23 SB 185 Introduced by: Senators Buhl, Adelstein, Frerichs, Hundstad, Nygaard, Sutton, and
24 Tieszen and Representatives Killer, Blake, Fargen, Hawley, Jones, and Lucas

25 FOR AN ACT ENTITLED, An Act to provide an exception from the statutory
26 requirements for persons taking steps towards self-employment and to allow them to collect
27 unemployment compensation.

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

1 SB 186 Introduced by: Senators Heineman, Johnston, Kraus, Maher, Novstrup (Al),
2 Rhoden, and Schlekeway and Representatives Gosch, Bolin, Brunner, Hansen (Jon), Jensen,
3 Liss, Rausch, Sly, and Wick

4 FOR AN ACT ENTITLED, An Act to update the definition of the nonsectarian textbooks
5 that are loaned to certain students to include digital, electronic, and internet-based materials.

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

7 SB 187 Introduced by: Senators Olson (Russell), Brown, and Gray and Representative
8 Rausch

9 FOR AN ACT ENTITLED, An Act to reformulate the legislative agency review with an
10 independent performance audit.

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

12 SB 188 Introduced by: Senator Olson (Russell) and Representative Lust

13 FOR AN ACT ENTITLED, An Act to provide for the enhancement of economic
14 development in South Dakota.

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

16 SB 189 Introduced by: Senators Haverly, Adelstein, Begalka, Bradford, Brown, Buhl,
17 Cutler, Frerichs, Fryslie, Gray, Hansen (Tom), Heineman, Holien, Hundstad, Hunhoff (Jean),
18 Johnston, Juhnke, Kraus, Krebs, Lederman, Maher, Nelson (Tom), Novstrup (Al), Olson
19 (Russell), Peters, Putnam, Rampelberg, Rave, Rhoden, Schlekeway, Sutton, Tidemann, Tieszen,
20 and Vehle and Representatives Cronin, Abdallah, Blake, Brunner, Carson, Deelstra, Dennert,
21 Dryden, Elliott, Fargen, Feickert, Feinstein, Gibson, Hansen (Jon), Hawley, Hoffman, Hunhoff
22 (Bernie), Iron Cloud III, Jones, Killer, Kirkeby, Kirschman, Kloucek, Lucas, Lust, Moser,
23 Novstrup (David), Rausch, Schrempp, Sigdestad, Sly, Street, Stricherz, Turbiville, Wick,
24 Willadsen, Wink, and Wismer

25 FOR AN ACT ENTITLED, An Act to provide a designation on certain nondriver
26 identification cards, driver licenses, and permits that the card holders or licensees are honorably
27 discharged veterans.

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

29 SB 190 Introduced by: Senator Rave and Representative Gosch

30 FOR AN ACT ENTITLED, An Act to permit the filing of certain agricultural lien
31 documents with the Office of the Secretary of State by electronic means.

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

2 SB 191 Introduced by: The Committee on Education at the request of the Office of the
3 Governor

4 FOR AN ACT ENTITLED, An Act to provide for authorization to offer postsecondary
5 education services in South Dakota.

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

7 SB 192 Introduced by: The Committee on Appropriations at the request of the Office of
8 the Governor

9 FOR AN ACT ENTITLED, An Act to make appropriations for the purpose of one-time
10 increases in education and health care funding.

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

12 SB 193 Introduced by: The Committee on Appropriations at the request of the Office of
13 the Governor

14 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
15 2012 and to declare an emergency.

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

17 SB 194 Introduced by: The Committee on Appropriations at the request of the Office of
18 the Governor

19 FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for
20 elderly persons and persons with a disability, to revise the income eligibility requirements for
21 property tax and sales tax refunds, and to declare an emergency.

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

23 SB 195 Introduced by: The Committee on Appropriations at the request of the Office of
24 the Governor

25 FOR AN ACT ENTITLED, An Act to make appropriations from the water and
26 environment fund, the water pollution control revolving fund subfund, and the drinking water
27 revolving fund subfund for various water and environmental purposes, to revise the state water
28 plan, to authorize the construction and establish the state cost share for the Belle Fourche
29 irrigation upgrade project, and to declare an emergency.

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

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

3 HB 1006: FOR AN ACT ENTITLED, An Act to revise certain outdated and obsolete
4 provisions regarding the Department of Education.

5 Was read the first time and referred to the Committee on Education.

6 HB 1010: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
7 statutes and rules related to the Department of Health.

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

9 HB 1020: FOR AN ACT ENTITLED, An Act to authorize the Department of Game, Fish
10 and Parks to sell the Marcotte Tract located within the Marcotte Game Production Area in
11 Meade County to the City of Sturgis.

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

14 HB 1033: FOR AN ACT ENTITLED, An Act to clarify certain requirements relating to
15 insurance examinations.

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

17 HB 1039: FOR AN ACT ENTITLED, An Act to exempt certain impaired driving
18 violations from the statutory limitation on enhanced penalties for second, third, or subsequent
19 violations.

20 Was read the first time and referred to the Committee on Judiciary.

21 HB 1045: FOR AN ACT ENTITLED, An Act to revise various trust provisions.

22 Was read the first time and referred to the Committee on Judiciary.

23 HB 1063: FOR AN ACT ENTITLED, An Act to repeal certain statutes related to the
24 testimony of sex offense victims and to evidence of a victim's prior sexual conduct and to
25 establish the rationale and effect of the repeal.

1 Was read the first time and referred to the Committee on Judiciary.

2 HB 1064: FOR AN ACT ENTITLED, An Act to allow the Supreme Court to establish
3 certain rules for the use of interactive audio visual equipment and to provide for the collection
4 and deposit of fees for the use thereof.

5 Was read the first time and referred to the Committee on Judiciary.

6 HB 1073: FOR AN ACT ENTITLED, An Act to prohibit certain indemnity provisions in
7 motor carrier transportation contracts.

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

9 **CONSIDERATION OF CONSENT CALENDAR EXECUTIVE APPOINTMENTS**

10 The Senate proceeded to the consideration of the executive appointment of Thomas L.
11 Greenway of Davison County, Mitchell, South Dakota, to the South Dakota Railroad Authority.

12 The question being "Does the Senate advise and consent to the executive appointment of
13 Thomas L. Greenway pursuant to the executive message as found on page 28 of the Senate
14 Journal?"

15 And the roll being called:

16 Yeas 30, Nays 0, Excused 5, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
19 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
20 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
21 Tieszen; Vehle

22 Excused:

23 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

26 The Senate proceeded to the consideration of the executive appointment of Scott G. Stern
27 of Hutchinson County, Freeman, South Dakota, to the South Dakota Railroad Authority.

28 The question being "Does the Senate advise and consent to the executive appointment of
29 Scott G. Stern pursuant to the executive message as found on page 29 of the Senate Journal?"

1 And the roll being called:

2 Yeas 30, Nays 0, Excused 5, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
5 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
6 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
7 Tieszen; Vehle

8 Excused:

9 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 SB 66: FOR AN ACT ENTITLED, An Act to permit the filing of certain documents with
14 the secretary of state by electronic means and to remove the notary requirements.

15 Was read the second time.

16 The question being "Shall SB 66 pass?"

17 And the roll being called:

18 Yeas 30, Nays 0, Excused 5, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
21 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
22 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
23 Tieszen; Vehle

24 Excused:

25 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

28 SB 67: FOR AN ACT ENTITLED, An Act to provide provisions that all documents filed
29 with and maintained by the Office of the Secretary of State may be filed electronically.

30 Was read the second time.

1 The question being "Shall SB 67 pass?"

2 And the roll being called:

3 Yeas 30, Nays 0, Excused 5, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
6 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
7 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
8 Tieszen; Vehle

9 Excused:

10 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

13 SB 63: FOR AN ACT ENTITLED, An Act to revise the term of service of regional railroad
14 authority commissioners.

15 Was read the second time.

16 The question being "Shall SB 63 pass?"

17 And the roll being called:

18 Yeas 30, Nays 0, Excused 5, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
21 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
22 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
23 Tieszen; Vehle

24 Excused:

25 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

28 SB 64: FOR AN ACT ENTITLED, An Act to revise provisions regulating the perfection
29 of security interest liens filed on-line.

30 Was read the second time.

1 The question being "Shall SB 64 pass?"

2 And the roll being called:

3 Yeas 30, Nays 0, Excused 5, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
6 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
7 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
8 Tieszen; Vehle

9 Excused:

10 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

13 HB 1016: FOR AN ACT ENTITLED, An Act to repeal certain rules relating to use of the
14 centennial logo.

15 Was read the second time.

16 The question being "Shall HB 1016 pass?"

17 And the roll being called:

18 Yeas 30, Nays 0, Excused 5, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
21 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
22 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
23 Tieszen; Vehle

24 Excused:

25 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

28 HB 1024: FOR AN ACT ENTITLED, An Act to repeal the authorization to sell certain
29 surplus real estate under the control of the Department of Corrections in Aurora County and
30 Minnehaha County.

31 Was read the second time.

1 The question being "Shall HB 1024 pass?"

2 And the roll being called:

3 Yeas 30, Nays 0, Excused 5, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
6 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Maher; Nelson
7 (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Sutton; Tidemann;
8 Tieszen; Vehle

9 Excused:

10 Hundstad; Lederman; Novstrup (Al); Nygaard; Rave

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

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

14 Sen. Olson moved that SB 157 be referred from the Committee on Commerce and Energy
15 to the Committee on Transportation.

16 Which motion prevailed.

17 SB 62: FOR AN ACT ENTITLED, An Act to allow certain alcoholic beverage licensees
18 to charge a corkage fee for serving wine supplied by customers.

19 Was read the second time.

20 The question being "Shall SB 62 pass as amended?"

21 And the roll being called:

22 Yeas 31, Nays 0, Excused 4, Absent 0

23 Yeas:

24 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
25 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
26 Maher; Nelson (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway;
27 Sutton; Tidemann; Tieszen; Vehle

28 Excused:

29 Lederman; Novstrup (Al); Nygaard; Rave

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

3 The question being on the title.

4 62ftb

5 Sen. Gray moved that the title to SB 62 be amended as follows:

6 On page 1, line 2, of the Senate Commerce and Energy Committee engrossed bill, after
7 "customers" insert "and to allow customers to remove a partially consumed bottle of wine from
8 certain alcoholic beverage licensees".

9 Which motion prevailed.

10 SB 69: FOR AN ACT ENTITLED, An Act to repeal the sunset provision on certain
11 statutes relating to nursing homes on Indian reservations.

12 Was read the second time.

13 The question being "Shall SB 69 pass?"

14 And the roll being called:

15 Yeas 31, Nays 0, Excused 4, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
18 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
19 Maher; Nelson (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway;
20 Sutton; Tidemann; Tieszen; Vehle

21 Excused:

22 Lederman; Novstrup (Al); Nygaard; Rave

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

25 SB 72: FOR AN ACT ENTITLED, An Act to regulate persons offering speech-language
26 pathology to the public.

27 Was read the second time.

28 The question being "Shall SB 72 pass?"

29 And the roll being called:

1 Yeas 29, Nays 2, Excused 4, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
4 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
5 Nelson (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway; Tidemann;
6 Tieszen; Vehle

7 Nays:

8 Maher; Sutton

9 Excused:

10 Lederman; Novstrup (Al); Nygaard; Rave

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

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

14 HB 1048: FOR AN ACT ENTITLED, An Act to expand the Board of Military Affairs.

15 Was read the second time.

16 The question being "Shall HB 1048 pass?"

17 And the roll being called:

18 Yeas 31, Nays 0, Excused 4, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
21 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
22 Maher; Nelson (Tom); Olson (Russell); Peters; Putnam; Rampelberg; Rhoden; Schlekeway;
23 Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Lederman; Novstrup (Al); Nygaard; Rave

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

28 Sen. Heineman moved that the Senate do now adjourn, which motion prevailed and at
29 2:40 p.m. the Senate adjourned.

30

Fee Jacobsen, Secretary