

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 8, 2012

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

The prayer was offered by the Chaplain, Fr. Kristopher Cowles, followed by the Pledge of Allegiance led by Senate page Haley Hohn.

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 sixteenth 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.

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75fb

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

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"Section 1. That § 1-27-1.2 be amended to read as follows:

4

1-27-1.2. If a custodian of a public record of a county, municipality, political subdivision, or tax-supported district provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This section does not require a governmental entity to acquire computer capability to generate public records in a new or different form if that new form would require additional computer equipment or software not already possessed by the governmental entity.

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No fee may be charged for any minutes that were recorded in the last three years or for any accounting record in its original format. Any confidential information in the accounting record related to the payroll shall be redacted or password protected.

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And that as so amended said bill do pass.

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Respectfully submitted,
Todd Schlekeway, Chair

19

Also MR. PRESIDENT:

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The Committee on Transportation respectfully reports that it has had under consideration SB 157 and HB 1202 and returns the same with the recommendation that said bills do pass.

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Also MR. PRESIDENT:

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The Committee on Transportation respectfully reports that it has had under consideration SB 116 and returns the same with the recommendation that said bill be amended as follows:

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116ta

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On page 1 of the printed bill, delete line 11, and insert "of section line roads; judicially declared roads; roads impliedly accepted by the township through routine performance of certain maintenance activities, such as grading, graveling and snow removal, and accepting funds from the county pursuant to §§ 32-11-4.1, 32-11-6, and 32-22-35 for a period of at least fifteen years; and any other roads designated by".

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

2 Respectfully submitted,
3 Art Fryslie, Vice-Chair

4 Also MR. PRESIDENT:

5 The Committee on Health and Human Services respectfully reports that it has had under
6 consideration SB 154 and 196 and returns the same with the recommendation that said bills do
7 pass.

8 Also MR. PRESIDENT:

9 The Committee on Health and Human Services respectfully reports that it has had under
10 consideration SB 125 and returns the same with the recommendation that said bill be amended
11 as follows:

12 125sc

13 On page 1, line 7, of the printed bill, after "provider" delete "," and insert "or".

14 On page 1, line 7, delete ", or a day care center".

15 On page 1, line 8, delete "is out of compliance with" and insert "has a substantial violation
16 of".

17 On page 1, line 8, delete "Article".

18 On page 1, line 9, delete "67:42" and insert "chapters 67:42:03 or 67:42:04 relating to staff
19 to child ratios, qualifications, health, safety, sanitation, or nutrition,".

20 On page 1, line 9, after "notice" insert ", within thirty days of the determination,".

21 On page 1, line 12, delete everything after "corrected."

22 On page 1, line 13, delete everything before "The".

23 On page 2, line 2, after "." insert "The written notice of a determination may be sent by
24 electronic mail."

25 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration SB 131 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Jean M. Hunhoff, Chair

6 Also MR. PRESIDENT:

7 The Committee on Taxation respectfully reports that it has had under consideration SB 49
8 and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Taxation respectfully reports that it has had under consideration
11 HB 1001 and returns the same with the recommendation that said bill do pass and be placed on
12 the consent calendar.

13 Respectfully submitted,
14 Tom Hansen, Chair

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration
17 HB 1049 and returns the same with the recommendation that said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on State Affairs respectfully reports that it has had under consideration
20 SB 174 and returns the same with the recommendation that said bill be amended as follows:

21 174fb

22 On page 1 of the printed bill, delete lines 6 to 9, inclusive, and insert:

23 "Section 1. That § 34-45-2 be amended to read as follows:

24 34-45-2. The governing body of a public corporation may by ordinance authorize a 911
25 emergency reporting system. The ordinance shall include a description of the proposed 911
26 service area. If the governing body of a public agency had adopted an ordinance authorizing a
27 911 emergency reporting system which was in effect on January 1, 2012, the ordinance remains
28 in effect for establishing such 911 service area unless amended or repealed by the public agency.
29 Any provision in the ordinance establishing a surcharge is no longer in effect after July 1, 2012."

1 On page 3, delete lines 20 to 24, inclusive, and insert "Any entity required to collect and
2 remit the surcharge imposed pursuant to § 34-45-4 or section 3 of this Act shall register with
3 the Department of Revenue. There is no registration fee. A registration shall be made upon a
4 form prescribed by the secretary of the Department of Revenue and shall set forth the name
5 under which the applicant transacts or intends to transact business, the location of the place of
6 business, and such other information as the secretary may require.

7 The department shall issue an identification number to each applicant. This identification
8 number is not assignable and is valid only for the entity to which it was issued. The
9 identification number is valid until canceled or revoked."

10 On page 4, delete lines 1 to 4, inclusive.

11 On page 5, line 7, after "collect" insert "the surcharge".

12 On page 5, line 19, delete "holds a license issued" and insert "is registered".

13 On page 6, line 1, delete "premise" and insert "business premises".

14 On page 7, line 8, after "remit" insert "each month".

15 On page 7, line 10, after "." insert "The secretary of the Department of Public Safety shall
16 approve vouchers and the state auditor shall draw warrants to pay each public agency its share
17 of the distribution."

18 On page 7, line 13, delete "surcharges" and insert "surcharge".

19 On page 7, line 14, after "into" insert "the".

20 On page 8, line 5, after ";" insert "and".

21 On page 8, delete lines 6 to 9, inclusive, and insert "(2) Transfer seventy-four percent of
22 the money deposited in the fund to the South Dakota 911".

23 On page 9, line 2, before "three" insert "first".

24 On page 10, line 22, overstrike "A public safety answering point shall comply with ARSD
25 50:02:04:02(2)".

26 On page 11, line 3, delete "by July 1, 2015." and insert "No public safety answering point
27 may be required to comply with the provisions of ARSD 50:02:04:02(2), unless the next
28 generation 911 initiative has been implemented. The board shall determine when the next
29 generation 911 initiative is operational. The board shall notify each public safety answering
30 point not complying with the provisions of this rule when this determination has been made.
31 The public safety answering point shall comply with the provisions of the rule within ninety
32 days."

1 On page 12, delete lines 4 to 21, inclusive, and insert:

2 "

- 3 (1) Makes any false or fraudulent return in attempting to defeat or evade the surcharge
4 imposed by § 34-45-4 or section 3 of this Act is guilty of a Class 1 misdemeanor;
- 5 (2) Fails to pay the surcharge collected pursuant to the provisions of this chapter within
6 sixty days from the date the surcharge becomes due is guilty of a Class 2
7 misdemeanor;
- 8 (3) Fails to keep the records required by this chapter or refuses to exhibit these records
9 to the Department of Revenue for the purpose of examination is guilty of a Class 2
10 misdemeanor;
- 11 (4) Fails to file a return required by this chapter within sixty days from the date the return
12 is due is guilty of a Class 2 misdemeanor;
- 13 (5) Willfully violates any rule of the secretary for the administration and enforcement of
14 the provisions of this chapter is guilty of a Class 2 misdemeanor; or
- 15 (6) Fails to submit a 911 emergency surcharge registration after having been notified in
16 writing by the secretary of the Department of Revenue that the person is subject to
17 the provisions of this chapter is guilty of a Class 2 misdemeanor. However, it is not
18 a violation of this subdivision if the person submits a registration and meets all
19 lawful prerequisites for registering within ten days from receipt of written notice
20 from the secretary."

21 On page 16, line 9, delete "incorporated".

22 On page 18, line 23, after "findings" insert "of".

23 On page 19, line 19, after "remit" insert "each month".

24 On page 19, line 21, after "." insert "The secretary of the Department of Public Safety shall
25 approve vouchers and the state auditor shall draw warrants to pay each public agency its share
26 of the distribution."

27 On page 20, line 1, delete "surcharges" and insert "surcharge".

28 On page 20, line 1, after "into" insert "the".

29 On page 20, delete lines 13 to 19, inclusive, and insert "The Department of Public Safety
30 shall distribute the money deposited in the fund based on the ratio of the population of each
31 eligible public safety answering point to the population of all the eligible public safety
32 answering points."

33 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 175 and returns the same with the recommendation that said bill be amended as follows:

4 175oa

5 On page 1, line 7, of the printed bill, after "establishment." insert "If more than ten video
6 lottery machines are placed in a licensed establishment, each video lottery machine in excess
7 of ten machines shall include video lottery game software approved by the commission after
8 July 1, 2011."

9 And that as so amended said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on State Affairs respectfully reports that it has had under consideration
12 SB 180 which was tabled.

13 Also MR. PRESIDENT:

14 The Committee on State Affairs respectfully reports that it has had under consideration
15 SB 182 which was deferred to the 41st Legislative Day.

16 Respectfully submitted,
17 Larry Rhoden, Chair

18 Also MR. PRESIDENT:

19 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
20 and Enrolling has carefully compared SB 3, 16, 17, 26, 28, and 55 and finds the same correctly
21 enrolled.

22 Respectfully submitted,
23 Bob Gray, Chair

24 **MESSAGES FROM THE HOUSE**

25 MR. PRESIDENT:

26 I have the honor to return herewith SB 3, 16, 17, 26, 28, and 55 which have passed the
27 House without change.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HB 1051, 1093, 1212, 1229, 1232, and 1233 and
3 HJR 1007 which have passed the House and your favorable consideration is respectfully
4 requested.

5 Also MR. PRESIDENT:

6 I have the honor to transmit herewith HCR 1006 which has been adopted by the House and
7 your concurrence is respectfully requested.

8 Respectfully,
9 Karen Gerdes, Chief Clerk

10 **MOTIONS AND RESOLUTIONS**

11 Sen. Olson moved that SB 176 be deferred to Thursday, February 9, the 18th legislative day.

12 Which motion prevailed.

13 **SCR 3: A CONCURRENT RESOLUTION, Designating the month of November as COPD**
14 **Awareness Month in the State of South Dakota.**

15 Was read the second time.

16 Sen. Hunhoff moved that SCR 3 as found on page 296 of the Senate Journal be adopted.

17 The question being on Sen. Hunhoff 's motion that SCR 3 be adopted.

18 And the roll being called:

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

20 Yeas:

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

25 Excused:

26 Lederman

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 President declared the motion carried and SCR 3 was adopted.

3 Yesterday, Sen. Nygaard announced his intention to reconsider the vote by which HB 1069
4 lost.

5 Sen. Nygaard moved that the Senate do now reconsider the vote by which HB 1069 lost.

6 The question being on Sen. Nygaard's motion to reconsider the vote by which HB 1069
7 lost.

8 And the roll being called:

9 Yeas 23, Nays 11, Excused 1, Absent 0

10 Yeas:

11 Begalka; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Hunhoff (Jean); Kraus; Krebs;
12 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
13 Rampelberg; Rave; Rhoden; Schlekeway; Tidemann; Tieszen

14 Nays:

15 Bradford; Brown; Buhl; Cutler; Frerichs; Holien; Hundstad; Johnston; Juhnke; Sutton; Vehle

16 Excused:

17 Adelstein

18 So the motion having received an affirmative vote of a majority of the members-elect, the
19 President declared the motion carried and HB 1069 was up for reconsideration and final
20 passage.

21 HB 1069: FOR AN ACT ENTITLED, An Act to increase the amount of income and
22 principal of a perpetual fund used to maintain a cemetery.

23 Having had its second reading was up for reconsideration and final passage.

24 1069fa

25 Sen. Nygaard moved that HB 1069 be amended as follows:

26 Delete the previously adopted amendment (1069ra).

27 Sen. Olson moved the previous question.

28 Which motion prevailed.

1 Sen. Nygaard's motion to amend prevailed.

2 The question being "Shall HB 1069 pass as amended?"

3 And the roll being called:

4 Yeas 23, Nays 12, Excused 0, Absent 0

5 Yeas:

6 Adelstein; Begalka; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Hunhoff (Jean);
7 Kraus; Krebs; Lederman; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters;
8 Putnam; Rave; Rhoden; Schlekeway; Tidemann; Tieszen

9 Nays:

10 Bradford; Brown; Buhl; Frerichs; Holien; Hundstad; Johnston; Juhnke; Maher; Rampelberg;
11 Sutton; Vehle

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

14 SCR 4 Introduced by: Senators Olson (Russell), Adelstein, Begalka, Bradford, Brown,
15 Buhl, Cutler, Frerichs, Fryslie, Hansen (Tom), Haverly, Heineman, Holien, Hundstad, Hunhoff
16 (Jean), Johnston, Juhnke, Kraus, Krebs, Lederman, Maher, Nelson (Tom), Novstrup (Al),
17 Nygaard, Peters, Putnam, Rampelberg, Rave, Rhoden, Schlekeway, Sutton, Tidemann, Tieszen,
18 and Vehle and Representatives Munsterman, Abdallah, Blake, Bolin, Boomgarden, Brunner,
19 Carson, Conzet, Cronin, Deelstra, Dennert, Dryden, Fargen, Feickert, Feinstein, Gibson, Gosch,
20 Greenfield, Haggar, Hansen (Jon), Hawley, Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Hunt,
21 Iron Cloud III, Jensen, Jones, Killer, Kirkeby, Kirschman, Kloucek, Kopp, Liss, Lucas, Lust,
22 Magstadt, Miller, Moser, Nelson (Stace), Novstrup (David), Olson (Betty), Perry, Rausch,
23 Romkema, Rozum, Schaefer, Schrempf, Scott, Sigdestad, Sly, Solum, Steele, Street, Stricherz,
24 Tulson, Turbiville, Van Gerpen, Vanneman, Venner, Verchio, White, Wick, Willadsen, Wink,
25 and Wismer

26 A CONCURRENT RESOLUTION, Supporting the concept and further development of South
27 Dakota First, an initiative for success and development.

28 WHEREAS, the people of South Dakota are its greatest resource; and

29 WHEREAS, the need for informed citizens prepared and committed to filling public and
30 private leadership roles and positions continues to grow and requires action to assure that our
31 state has young people prepared to fill these vital leadership and governance positions within
32 our state; and

33 WHEREAS, South Dakota First is dedicated to celebrating young people who intend to live
34 and work in South Dakota; and

1 WHEREAS, engagement of the state's young people will help all South Dakotans to live
2 full, well-rounded, productive lives; and

3 WHEREAS, the future of South Dakota will be improved through enriched community
4 engagement with the confidence and the capacity to respond to changes in science, technology,
5 and society by understanding and adopting new evidence-based ideas; and

6 WHEREAS, citizen success is assured through experiences that prepare young people to
7 understand their roles in proactive models so they become more enriched as community
8 members while pursuing value added careers in South Dakota; and

9 WHEREAS, South Dakota First openly differentiates itself from formal education in that
10 it focuses on enhancing individuals for transition to their South Dakota communities; and

11 WHEREAS, since 1999, the Rural Learning Center, a Section 501(c)(3) Organization
12 located in Miner County, South Dakota, has built a national reputation by assisting rural
13 communities with strategic planning and by taking the lead in promoting and developing rural
14 development; and

15 WHEREAS, the Rural Learning Center desires to encourage community service and to
16 develop a series of four seminars addressing: (1) local leadership and governance; (2) proactive
17 models of community based problem solving; (3) interdisciplinary critical thinking and
18 research; and (4) apprenticeship, mentorship, and internship experiences to complement formal
19 education experiences; and

20 WHEREAS, the State of South Dakota has implemented programs that may be modified to
21 serve as further incentives for South Dakota's young people to participate and embrace an
22 intentional model of proactive citizenship and leadership:

23 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-seventh Legislature
24 of the State of South Dakota, the House of Representatives concurring therein, that the South
25 Dakota Legislature supports the development and incentive integration in further development
26 of South Dakota First, an initiative for success and development.

27 Was read the first time, the President waived the referral to committee, and placed SCR 4
28 on the calendar of Thursday, February 9, the 18th legislative day.

29 HCR 1006: A CONCURRENT RESOLUTION, in opposition to certain actions by animal
30 rights groups to undermine agricultural producers.

31 Was read the first time, the President waived the referral to committee, and placed
32 HCR 1006 on the calendar of Thursday, February 9, the 18th legislative day.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Olson moved that the reports of the Standing Committees on
3 Health and Human Services on SB 177 as found on page 290 of the Senate Journal; also
4 Education on SB 186 as found on page 290 of the Senate Journal; also
5 Education on SB 191 as found on page 291 of the Senate Journal; also
6 Commerce and Energy on SB 145 as found on page 291 of the Senate Journal; also
7 Agriculture and Natural Resources on SB 169 as found on page 293 of the Senate Journal
8 be adopted.
9 Which motion prevailed.

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

11 HB 1051: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
12 Authority and the Board of Regents to implement the long-term capital project request of the
13 Board of Regents providing for the demolition, construction, remodeling, or renovation of
14 various structures on the campuses of the state's universities and to make appropriations
15 therefor.

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

17 HB 1093: FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the
18 general fund of school districts.

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

20 HB 1212: FOR AN ACT ENTITLED, An Act to revise certain terms regarding tort
21 liability.

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

23 HB 1229: FOR AN ACT ENTITLED, An Act to exempt certain persons from the
24 requirement to license as a mortgage loan originator.

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

1 HB 1232: FOR AN ACT ENTITLED, An Act to repeal the South Dakota Commission on
2 Health Care.

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

4 HB 1233: FOR AN ACT ENTITLED, An Act to provide for the public access to the
5 records of former Governors and lieutenant governors.

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

7 HJR 1007: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
8 general election an amendment to Article XII of the Constitution of the State of South Dakota,
9 relating to a balanced budget.

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

11 **CONSIDERATION OF CONSENT CALENDAR EXECUTIVE APPOINTMENTS**

12 The Senate proceeded to the consideration of the executive appointment of David S.
13 Pummel of Butte County, Belle Fourche, South Dakota, to the Housing Development Authority.

14 The question being "Does the Senate advise and consent to the executive appointment of
15 David S. Pummel pursuant to the executive message as found on page 26 of the Senate
16 Journal?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, 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 Lederman; Maher; Nelson (Tom); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
23 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Novstrup (Al)

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

28 The Senate proceeded to the consideration of the executive appointment of Robert H.
29 Hartford of Hughes County, Pierre, South Dakota, to the South Dakota Lottery Commission.

30 The question being "Does the Senate advise and consent to the executive appointment of
31 Robert H. Hartford pursuant to the executive message as found on page 27 of the Senate
32 Journal?"

1 And the roll being called:

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

3 Yeas:

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

8 Excused:

9 Novstrup (Al)

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

12 The Senate proceeded to the consideration of the executive appointment of James R.
13 Peterson of Deuel County, Reville, South Dakota, to the South Dakota Lottery Commission.

14 The question being "Does the Senate advise and consent to the executive appointment of
15 James R. Peterson pursuant to the executive message as found on page 28 of the Senate
16 Journal?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, 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 Lederman; Maher; Nelson (Tom); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
23 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Novstrup (Al)

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

28 The Senate proceeded to the consideration of the executive appointment of Doyle D. Estes
29 of Pennington County, Hill City, South Dakota, to the South Dakota Lottery Commission.

30 The question being "Does the Senate advise and consent to the executive appointment of
31 Doyle D. Estes pursuant to the executive message as found on page 27 of the Senate Journal?"

32 And the roll being called:

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

1 Yeas:

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

6 Excused:

7 Novstrup (Al)

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

10 **SECOND READING OF CONSENT CALENDAR ITEMS**

11 Pursuant to Senate Rule 6-1, the President removed SB 81 and 113 from the Consent
12 Calendar.

13 SB 168: FOR AN ACT ENTITLED, An Act to revise the terms and expiration dates of
14 appointees to certain boards and commissions.

15 Was read the second time.

16 The question being "Shall SB 168 pass as amended?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, 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 Lederman; Maher; Nelson (Tom); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
23 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Novstrup (Al)

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 1154: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
29 construction of roads outside the road district.

30 Was read the second time.

1 The question being "Shall HB 1154 pass as amended?"

2 And the roll being called:

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

4 Yeas:

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

9 Excused:

10 Novstrup (Al)

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 SB 25: FOR AN ACT ENTITLED, An Act to provide for the creation of a new state
15 accountability system and a new financial accountability rating system for public elementary and
16 secondary schools.

17 Was read the second time.

18 Sen. Olson moved the previous question.

19 Which motion prevailed.

20 The question being "Shall SB 25 pass as amended?"

21 And the roll being called:

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

23 Yeas:

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

28 Nays:

29 Buhl; Frerichs; Hundstad; Sutton

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

3 SB 46: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase
4 an airport structure for use by South Dakota State University and to make an appropriation
5 therefor.

6 Was read the second time.

7 The question being "Shall SB 46 pass as amended?"

8 And the roll being called:

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

10 Yeas:

11 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
12 Haverly; Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman;
13 Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
14 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

15 Nays:

16 Hundstad; Maher; Nygaard

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

19 SB 142: FOR AN ACT ENTITLED, An Act to impose the sales tax on the gross receipts
20 derived from renting mini-storage units, self-storage units, or storage space and the use tax on
21 the use of mini-storage units, self-storage units, or storage space.

22 Was read the second time.

23 Sen. Olson moved that SB 142 be laid on the table.

24 The question being on Sen. Olson's motion that SB 142 be laid on the table.

25 And the roll being called:

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

27 Yeas:

28 Adelstein; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
29 Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman;
30 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
31 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

1 Nays:
2 Begalka

3 So the motion having received an affirmative vote of a majority of the members-elect, the
4 President declared the motion carried.

5 SB 162: FOR AN ACT ENTITLED, An Act to create certified technology parks and to
6 provide certain financing mechanisms and bonding authority to enhance knowledge and tech-
7 based economic development and to repeal certain provisions concerning certified technology
8 parks.

9 Was read the second time.

10 The question being "Shall SB 162 pass?"

11 And the roll being called:

12 Yeas 35, Nays 0, Excused 0, Absent 0

13 Yeas:

14 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
15 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
16 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
17 Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

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

20 SB 70: FOR AN ACT ENTITLED, An Act to revise the procedures for filing referred laws,
21 initiated constitutional amendments, and initiated measures and to revise certain election
22 provisions and campaign finance requirements for referred laws, initiated constitutional
23 amendments, and initiated measures.

24 Was read the second time.

25 The question being "Shall SB 70 pass as amended?"

26 And the roll being called:

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

28 Yeas:

29 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
30 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;
31 Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
32 Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

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

3 SB 161: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning public
4 meetings held by teleconference or videoconference.

5 Was read the second time.

6 The question being "Shall SB 161 pass as amended?"

7 And the roll being called:

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

9 Yeas:

10 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Fryslie; Gray; Hansen (Tom); Haverly;
11 Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman;
12 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
13 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

14 Excused:

15 Frerichs

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

18 SB 87: FOR AN ACT ENTITLED, An Act to allow military spouses to receive
19 unemployment compensation if they leave their jobs due to a spouse's military transfer.

20 Was read the second time.

21 The question being "Shall SB 87 pass?"

22 And the roll being called:

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

24 Yeas:

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

29 Nays:

30 Juhnke

