

# **JOURNAL OF THE SENATE**

## **EIGHTY-EIGHTH SESSION**

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THIRTY-SIXTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, March 7, 2013

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Susan Carr, followed by the Pledge of Allegiance led by Senate page Natasha Schamens.

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 thirty-fifth 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,  
Corey Brown, Chair

Which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 34, 44, 66, 84, 120, 153, 154, 158, 166, 174, 198, and 199 were delivered to his Excellency, the Governor, for his approval at 8:20 a.m., March 7, 2013.

Also MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 39, 59, 106, 143, and 206 and finds the same correctly enrolled.

Respectfully submitted,  
Corey Brown, Chair

**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to HB 1045, 1050, 1085, 1096, 1098, 1122, 1137, 1164, 1165, 1168, 1171, 1184, 1212, 1220, 1233, and 1234.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that the House has appointed Reps. Wink, Mickelson, and Parsley 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 90.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that a change has been made in the House Conference Committee on HB 1130. The committee should be Reps. Craig, Kopp, and Peterson.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that the House has appointed Reps. Wink, Dryden, and Hawley 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 15.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed Reps. Wink,  
3 Dryden, and Hawley as a committee of three on the part of the House to meet with a like  
4 committee on the part of the Senate to adjust the differences between the two houses on SB 28.

5 Respectfully,  
6 Arlene Kvislen, Chief Clerk

7 **MOTIONS AND RESOLUTIONS**

8 Sen. Rhoden moved that the Senate do not concur in House amendments to SB 195 and  
9 that a committee of three on the part of the Senate be appointed to meet with a like committee  
10 on the part of the House to adjust the differences between the two houses.

11 Which motion prevailed and the President announced as such committee Sens. Rhoden,  
12 Johnston, and Frerichs.

13 Sen. Olson moved that the Senate do now recess until 1:15 p.m., which motion prevailed  
14 and at 10:22 a.m., the Senate recessed.

15 **RECESS**

16 The Senate reconvened at 1:27 p.m., the President presiding.

17 There being no objection, the Senate reverted to Order of Business No. 4.

18 **COMMUNICATIONS AND PETITIONS**

19 March 7, 2013

20 Mr. President and Members of the Senate:

21 I have the honor to inform you that on March 7, 2013, I approved Senate Bills 33, 35, 36,  
22 43, 56, 64, 65, 69, 86, 88, 89, 103, and 118, and the same have been deposited in the office of  
23 the Secretary of State.

24 Respectfully submitted,  
25 Dennis Daugaard  
26 Governor

**REPORTS OF CONFERENCE COMMITTEES**

cc235A

MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 235 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 235 be amended as follows:

235fg

On page 1, line 10, of the House State Affairs Committee engrossed bill, delete "GOED. The board" and insert "the Bureau of Finance and Management. The state".

On page 1, line 13, delete "project" and insert "new or expanded facility with project costs exceeding twenty million dollars".

On page 1, line 14, delete "23 to 37" and insert "24 to 36".

On page 2, line 1, delete "contractors'" and insert "contractor's".

On page 2, between lines 8 and 9, insert:

"Notwithstanding the provisions of this section, no deposit or transfer to the building South Dakota fund may be made by the commissioner of the Bureau of Finance and Management if the projected ongoing revenues adopted by the Legislature for the prospective fiscal year are insufficient to accommodate:

- (1) The statutory increases for state aid to K-12 general education, special education, and the technical institutes;
- (2) Projected Title XIX and the Title XXI spending adjusted for increased provider payments, increased utilization, or enrollment growth, and as affected by any reduction in the Federal medical assistance percentage; and
- (3) The state employee salary policy increase, commensurate with the K-12 inflationary increase, in addition to funds necessary to meet actuarially projected increases in health insurance costs."

On page 2, line 10, before "fund" insert "building South Dakota".

On page 2, line 16, delete "section 8" and insert "section 10".

On page 2, line 18, delete "section 11" and insert "section 13".

On page 2, line 20, delete "or loans".

On page 2, line 22, delete "The Governor's Office of Economic Development" and insert "Each department administering the funds received from section 2 of this Act".

On page 3, line 5, delete "other".

On page 3, line 6, delete everything after "." and insert "The board shall consider the funding mechanisms available to and utilized by the applicant when making a decision to award a grant."

On page 3, delete lines 7 and 8.

On page 3, line 9, delete "from a wheel tax increase."

On page 3, delete lines 13 to 15, inclusive, and insert "Section 5. There is hereby created in the state treasury the economic development partnership fund. The Board of Economic Development may award grants to any nonprofit development corporation, municipality, county, or other political subdivision of this state from the fund".

On page 3, line 20, delete "GOED" and insert "The Board of Economic Development".

On page 3, line 21, after "equipment" insert "and training".

On page 3, line 22, delete "GOED" and insert "The board".

On page 4, delete lines 10 to 24, inclusive, and insert:

"Section 8. The Board of Economic Development shall promulgate rules pursuant to chapter 1-26 regarding the application process and timelines, the guidelines and criteria for approval of applications, and the distribution of funds from the local infrastructure improvement grant fund.

Section 9. The Board of Economic Development shall promulgate rules pursuant to chapter 1-26 regarding the application process and timelines, the guidelines and criteria for approval of applications, and the distribution of funds from the economic development partnership fund.

Section 10. There is hereby created in the state treasury the workforce education fund to be used for the following purposes:

- (1) To fund the limited English proficiency adjustment as referenced in section 11 of this Act;
- (2) Provide grants for the purposes of providing secondary career and technical education programs; and
- (3) Provide additional one-time funding to school districts.

Interest earned on money in the fund shall be deposited into the fund. Any money in the workforce education fund is continuously appropriated to the Department of Education for the purposes stated in sections 10 and 11 of this Act. Any money deposited into and distributed from the fund shall be set forth in an informational budget as described in § 4-7-7.2.

Section 11. The secretary of the Department of Education shall authorize and disburse money from the workforce education fund to fund the state's share of the limited English proficiency adjustment as calculated by §§ 13-13-10.1 and 13-13-73 for state fiscal years 2014, 2015, and 2016. If, after the state's share of the limited English proficiency adjustment is funded, the workforce education fund exceeds two million dollars as of July first of each year, the amount of money in excess of one million dollars shall be disbursed as follows:

- (1) An amount not to exceed one million five hundred thousand dollars shall be distributed to fund new and existing secondary career and technical education programs; and
- (2) Any amount remaining in the fund over one million dollars after the distribution in subdivision (1) is made shall be allocated to each school district in an amount equal to the money available for such distribution times the ratio of each school district's fall enrollment to the total state fall enrollment as defined in § 13-13-10.1.

Section 12. The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 regarding the application process and timelines, the guidelines and criteria for approval of applications, and the distribution of funds from the workforce education fund."

On page 5, delete lines 1 to 22, inclusive.

On page 5, line 24, after "Housing" insert "Development".

On page 6, line 1, delete "extremely low" and insert "moderate".

On page 6, line 3, delete "11 to 20" and insert "13 to 21".

On page 6, line 4, after "." insert "Any money in the South Dakota housing opportunity fund is continuously appropriated."

On page 6, line 7, delete " this sections 11 to 20" and insert "sections 13 to 21".

On page 6, delete lines 15 to 24, inclusive.

On page 7, delete lines 1 to 24, and insert:

"(5) "Oversight commission," the commissioners that govern the South Dakota Housing Development Authority;

(6) "Single family home," any home built to the International Residential Code (IRC) or the United States Department of Housing and Urban Development (HUD) Building Code as of January 1, 2013, and located on a suitable site that is zoned properly for a IRC or HUD single family residence."

On page 8, delete lines 1 and 2.

On page 8, line 11, delete "Native American tribe" and insert "tribal government".

1 On page 8, line 18, after "construction" insert "or the purchase".

2 On page 9, line 2, delete "for" and insert "in".

3 On page 9, line 12, delete everything after "."

4 On page 9, delete lines 13 to 18, inclusive.

5 On page 10, line 4, after "fund" insert "."

6 On page 10, line 16, delete "ex officio".

7 On page 10, between lines 23 and 24, insert:

8 "The members shall be appointed to the board for a term of two years before the close of  
9 each regular session of the Legislature. If there is a vacancy, the vacancy shall be filled in the  
10 same manner as the original appointment."

11 On page 10, line 24, delete "23 to 37" and insert "24 to 36".

12 On page 11, delete lines 6 to 24, inclusive, and insert:

- 13 "(4) "Construction date," the first date earth is excavated or a contractor has initiated work  
14 for the purpose of constructing a new or expanded facility or the first date new  
15 equipment is located on the project site or existing equipment is removed from the  
16 project site for the purpose of equipment upgrades, whichever occurs first;  
17 (5) "Data center," any facility established for the purpose of processing, storage,  
18 retrieval, or communication of data;  
19 (6) "Department," the Department of Revenue;  
20 (7) "Equipment upgrades," the installation of new equipment or the replacement or  
21 improvement of existing equipment, which is subject to the sales or use tax imposed  
22 by chapters 10-45 or 10-46 or contractor's excise tax imposed by chapters 10-46A or  
23 10-46B;  
24 (8) "GOED," the Governor's Office of Economic Development;  
25 (9) "New or expanded facility," a new building or structure, or the expansion, renovation,  
26 or retrofitting of an existing building or structure, which is subject to the contractor's  
27 excise tax imposed by chapters 10-46A or 10-46B;  
28 (10) "Person," any individual, firm, copartnership, joint venture, association, cooperative,  
29 nonprofit development corporation, limited liability company, limited liability  
30 partnership, corporation, estate, trust, business trust, receiver, or any group or  
31 combination acting as a unit;  
32 (11) "Project," a new or expanded facility with a project cost which exceed twenty million  
33 dollars, or equipment upgrades with a project cost which exceed two million dollars.  
34 A project includes laboratory and testing facilities, manufacturing facilities, data  
35 centers, power generation facilities, power transmission facilities, agricultural  
36 processing facilities, wind energy facilities, and facilities defined by GOED as  
37 targeted industries. A project does not include any building or structure:

- 1 (a) Used predominantly for the sale of products at retail, other than the sale of
  - 2 electricity at retail, to individual consumers;
  - 3 (b) Used predominantly for residential housing or transient lodging;
  - 4 (c) Used predominantly to provide health care services;
  - 5 (d) Used predominantly for the transportation or transmission of natural gas, oil,
  - 6 or crude oil by means of a pipeline; or
  - 7 (e) That is not subject to ad valorem real property taxation or equivalent taxes
  - 8 measured by gross receipts;
- 
- 9 (12) "Project cost," the amount paid by the project owner in money, credits, property, or
  - 10 other consideration associated with a project including, without limitation, land,
  - 11 labor, materials, furniture, equipment, fees, or fixtures;
- 
- 12 (13) "Wind energy facility," any new facility or facility expansion that:
- 13 (a) Consists of a commonly managed integrated system of towers, wind turbine
  - 14 generators with blades, power collection systems, and electric interconnection
  - 15 systems, that convert wind movement into electricity, and is subject to the tax
  - 16 imposed by §§ 10-35-18 and 10-35-19; and
  - 17 (b) The construction of which is subject to contractors' excise tax pursuant to
  - 18 chapter 10-46A or 10-46B."
- 
- 19 On page 12, delete lines 1 to 16, inclusive.
  - 20 On page 12, line 18, delete "replacement" and insert "upgrades".
  - 21 On page 12, line 19, delete "23 to 37" and insert "24 to 36".
  - 22 On page 12, line 21, delete "section 25" and insert "section 26".
  - 23 On page 12, line 22, delete "section 27" and insert "section 28".
  - 24 On page 12, line 23, delete "section 28" and insert "section 29".
  - 25 On page 13, line 1, delete "23 to 37" and insert "24 to 36".
  - 26 On page 13, line 4, delete "23 to 37" and insert "24 to 36".
  - 27 On page 13, line 6, delete "23 to 37" and insert "24 to 36".
  - 28 On page 13, line 7, delete "no sooner than ninety days before the construction date, or".
  - 29 On page 13, line 9, delete "23 to 37" and insert "24 to 36".
  - 30 On page 13, line 18, before "contractors" insert "anticipated".



1 On page 13, line 24, after "." insert "The board shall consider the likelihood that the project  
2 would have occurred without the reinvestment payment."

3 On page 14, line 1, delete "by the".

4 On page 14, delete line 2, and insert "on the project costs."

5 On page 14, delete lines 9 and 10.

6 On page 14, line 11, delete "(5)" and insert "(4)".

7 On page 14, line 12, delete "(6)" and insert "(5)".

8 On page 14, line 12, delete "section 36" and insert "section 35".

9 On page 14, line 15, delete "section 28" and insert "section 29".

10 On page 15, line 9, delete "and".

11 On page 15, line 10, after "(9)" insert "If the reinvestment payment was assigned or  
12 transferred, the name and address of the person to whom the reinvestment payment has been  
13 assigned or transferred; and

14 (10)".

15 On page 15, line 15, delete "section 28" and insert "section 29".

16 On page 15, line 18, delete "23 to 37" and insert "24 to 36".

17 On page 15, line 18, delete everything after "." and insert "If the person filing the affidavit  
18 for reinvestment payment knowingly makes any material false statement or report in the  
19 affidavit for reinvestment payment".

20 On page 15, line 19, delete everything before "," .

21 On page 15, line 20, delete "23 to 37" and insert "24 to 36".

22 On page 15, line 23, delete "23 to 37" and insert "24 to 36".

23 On page 15, line 23, before "." insert ", unless an extension is granted at the sole discretion  
24 of the board, which extension may not extend beyond four years from the construction date".

25 On page 16, line 1, delete "sixty" and insert "ninety".

26 On page 16, line 2, after "." insert "If GOED requests additional documents or information  
27 from the project owner, the ninety day period begins to run from the date of receipt of the  
28 additional documents or information."

1 On page 16, line 5, delete "23 to 37" and insert "24 to 36".

2 On page 16, line 8, delete "23 to 37" and insert "24 to 36".

3 On page 16, line 12, delete "23 to 37" and insert "24 to 36".

4 On page 16, delete lines 17 to 20, inclusive.

5 On page 16, line 22, before "tax" insert "sales and use".

6 On page 16, line 24, delete "percentage of funds that" and insert "amount of funds  
7 attributable to the project that the".

8 On page 17, line 3, delete "23 to 37" and insert "24 to 36".

9 On page 17, line 8, after "local" insert "government tax mechanisms".

10 On page 17, delete lines 13 to 17, inclusive.

11 On page 17, line 22, delete "compensation" and insert "commission".

12 On page 22, between lines 1 and 2, insert:

13 "Section 40. The provisions of sections 37 and 38 of this Act are effective on July 1, 2013.

14 Section 41. There is hereby appropriated from the general fund the sum of seven million  
15 dollars (\$7,000,000), or so much thereof as may be necessary, to the Bureau of Finance and  
16 Management for the purpose of funding the building South Dakota fund.

17 Section 42. The commissioner of finance and management shall approve vouchers and the  
18 state auditor shall draw warrants to pay expenditures authorized by this Act.

19 Section 43. Any amounts appropriated in this Act not lawfully expended or obligated shall  
20 revert in accordance with the procedures prescribed in chapter 4-8."

21 235ftc

22 On page 1, line 1, of the House State Affairs Committee engrossed bill, delete everything  
23 after "Act to" and insert "create the building South Dakota fund and certain other funds and  
24 programs to enhance economic development and education, to make certain deposits and  
25 transfers, to make continuous appropriations, to revise certain education funding to support  
26 economic development, to make an appropriation therefor, and to declare an emergency."

27 On page 1, delete lines 2 to 6, inclusive.

28 Respectfully submitted,  
29 David Lust  
30 House Committee Chair

Respectfully submitted,  
Russell Olson  
Senate Committee Chair

1 cc1239A

2 Also MR. PRESIDENT:

3 The Conference Committee respectfully reports that it has considered HB 1239 and the  
4 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and  
5 recommends that all Senate amendments be deleted, thus restoring the bill to the House  
6 engrossed version.

7 Respectfully submitted,  
8 Hal Wick  
9 House Committee Chair

Respectfully submitted,  
Ryan Maher  
Senate Committee Chair

10 ccL1130A

11 Also MR. PRESIDENT:

12 The Conference Committee respectfully reports that it has considered HB 1130 and the  
13 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and  
14 recommends that the House do concur with the Senate amendments.

15 Respectfully submitted,  
16 Scott Craig  
17 House Committee Chair

Respectfully submitted,  
Mark Kirkeby  
Senate Committee Chair

18 cc15A

19 Also MR. PRESIDENT:

20 The Conference Committee respectfully reports that it has considered SB 15 and the  
21 amendments thereto made by the House, and the disagreement of the two houses thereon, and  
22 recommends that SB 15 be amended as follows:

23 15co

24 On page 3, line 13, of the House Appropriations Committee engrossed bill, delete "forty-  
25 five" and insert "fifty-five and two tenths".

26 On page 6, line 24, delete "twenty-five" and insert "thirty-five and two tenths".

27 On page 10, line 9, delete "\$1.25" and insert "\$1.352".

28 Respectfully submitted,  
29 Dean Wink  
30 House Committee Chair

Respectfully submitted,  
Larry Rhoden  
Senate Committee Chair

1 cc28A

2 Also MR. PRESIDENT:

3 The Conference Committee respectfully reports that it has considered SB 28 and the  
4 amendments thereto made by the House, and the disagreement of the two houses thereon, and  
5 recommends that SB 28 be amended as follows:

6 28tb

7 On page 1, line 8, of the House engrossed bill, delete "fifteen and three tenths" and insert  
8 "twenty".

9 On page 1, line 12, delete "~~thirty-two~~ eight and two tenths" and insert "~~thirty-two and two-~~  
10 ~~tenths~~ nine".

11 On page 2, line 2, delete "twenty-seven" and insert "twenty-nine".

12 On page 2, line 3, overstrike "nine" and insert "six".

13 Respectfully submitted,  
14 Dean Wink  
15 House Committee Chair

Respectfully submitted,  
Larry Rhoden  
Senate Committee Chair

16 cc1123A

17 Also MR. PRESIDENT:

18 The Conference Committee respectfully reports that it has considered HB 1123 and the  
19 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and  
20 recommends that HB 1123 be amended as follows:

21 1123tb

22 On page 2 of the Senate engrossed bill, delete lines 7 to 17, inclusive, and insert:

23 "Section 2. The state auditor shall approve an operating cash transfer from the Department  
24 of Game, Fish and Parks fund established pursuant to § 41-2-34 to the state animal damage  
25 control fund established pursuant to § 40-36-10 not to exceed one hundred sixty thousand  
26 dollars to expand predator control services. The funds shall be repaid with interest based on the  
27 cash flow fund rate of return not later than June 30, 2014. Funds may be used to contract for  
28 direct aerial predator control services and to provide grants to predator control districts or other  
29 local government entities that can provide aerial predator control or other direct predator control  
30 services."

1 1123ttb

2 On page 1, line 2, of the Senate engrossed bill, delete "to make an appropriation therefor,"  
3 and insert "approve temporary funding provisions relating to predator control,".

4 Respectfully submitted,  
5 G. Mark Mickelson  
6 House Committee Chair

Respectfully submitted,  
Ryan Maher  
Senate Committee Chair

7 There being no objection, the Senate reverted to Order of Business No. 5.

8 **REPORT OF STANDING COMMITTEE**

9 MR. PRESIDENT:

10 The Committee on Legislative Procedure respectfully reports that SB 10, 11, 17, 31, 55,  
11 75, 111, 151, 185, 186, 194, and 223 were delivered to his Excellency, the Governor, for his  
12 approval at 10:30 a.m., March 7, 2013.

13 Respectfully submitted,  
14 Corey Brown, Chair

15 **MOTIONS AND RESOLUTIONS**

16 Sen. Rave moved that the Senate do concur in House amendments to SB 233.

17 The question being on Sen. Rave's motion that the Senate do concur in House amendments  
18 to SB 233.

19 And the roll being called:

20 Yeas 35, Nays 0, Excused 0, Absent 0

21 Yeas:

22 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
23 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
24 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
25 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

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

1 Sen. Olson moved that the Senate do concur in House amendments to SB 236.

2 The question being on Sen. Olson's motion that the Senate do concur in House  
3 amendments to SB 236.

4 And the roll being called:

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

6 Yeas:

7 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
8 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup  
9 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;  
10 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

11 Nays:

12 Lucas

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

15 Sen. Olson moved that the Senate do concur in House amendments to SB 237.

16 The question being on Sen. Olson's motion that the Senate do concur in House  
17 amendments to SB 237.

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
22 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
23 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
24 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

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

27 Sen. Peters moved that the Senate do concur in House amendments to SB 51.

28 The question being on Sen. Peters' motion that the Senate do concur in House amendments  
29 to SB 51.

30 And the roll being called:

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

2 Yeas:

3 Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
4 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson  
5 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;  
6 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Nays:

8 Adelstein; Begalka

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

11 Sen. Maher moved that the Senate do not concur in House amendments to SB 76 and that  
12 a committee of three on the part of the Senate be appointed to meet with a like committee on  
13 the part of the House to adjust the differences between the two houses.

14 Which motion prevailed and the President announced as such committee Sens. Rave,  
15 Maher, and Buhl.

16 Sen. Rave moved that the Senate do not concur in House amendments to SB 155 and that  
17 a committee of three on the part of the Senate be appointed to meet with a like committee on  
18 the part of the House to adjust the differences between the two houses.

19 Which motion prevailed and the President announced as such committee Sens. Krebs,  
20 Vehle, and Lucas.

21 Sen. Rave moved that the Senate do not concur in House amendments to SB 159 and that  
22 a committee of three on the part of the Senate be appointed to meet with a like committee on  
23 the part of the House to adjust the differences between the two houses.

24 Which motion prevailed and the President announced as such committee Sens. White,  
25 Soholt, and Welke.

26 Sen. Olson moved that the Senate do now recess until 4:00 p.m., which motion prevailed  
27 and at 2:20 p.m., the Senate recessed.

28 **RECESS**

29 The Senate reconvened at 4:25 p.m., the President presiding.

1        There being no objection, the Senate reverted to Order of Business No. 5.

2 **REPORT OF STANDING COMMITTEE**

3 MR. PRESIDENT:

4       The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
5       and Enrolling has carefully compared SB 51, 233, 236, and 237 and finds the same correctly  
6       enrolled.

7 Respectfully submitted,  
8 Corey Brown, Chair

9 MESSAGES FROM THE HOUSE

10 MR. PRESIDENT:

11 I have the honor to inform your honorable body that the House has adopted the reports of  
12 the Conference Committees on HB 1239, 1130, and 1123 and SB 15 and 28.

13 Also MR. PRESIDENT:

14 I have the honor to inform your honorable body that the House has appointed Reps. Gosch,  
15 Lust, and Hunhoff as a committee of three on the part of the House to meet with a like  
16 committee on the part of the Senate to adjust the differences between the two houses on SB 76.

17 Also MR. PRESIDENT:

18 I have the honor to inform your honorable body that the House has appointed Reps. Cronin,  
19 Munsterman, and Bartling as a committee of three on the part of the House to meet with a like  
20 committee on the part of the Senate to adjust the differences between the two houses on SB 155.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed Reps.  
23 Mickelson, Sly, and Gibson as a committee of three on the part of the House to meet with a like  
24 committee on the part of the Senate to adjust the differences between the two houses on SB 159.



1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed Reps. Solum,  
3 Qualm, and Parsley as a committee of three on the part of the House to meet with a like  
4 committee on the part of the Senate to adjust the differences between the two houses on SB 195.

5 Respectfully,  
6 Arlene Kvislen, Chief Clerk

7 **MOTIONS AND RESOLUTIONS**

8 Sen. Kirkeby moved that the Senate do concur in House amendments to SB 200.

9 The question being on Sen. Kirkeby's motion that the Senate do concur in House  
10 amendments to SB 200.

11 And the roll being called:

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

13 Yeas:

14 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
15 Hunhoff (Jean); Jensen; Johnston; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup  
16 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;  
17 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

18 Excused:

19 Jones

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

22 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

23 Sen. Brown moved that SB 15 and 28 be placed to precede SB 147 on today's calendar.

24 Which motion prevailed.

25 Sen. Rhoden moved that the report of the Conference Committee on SB 15 as found on  
26 page 721 of the Senate Journal be adopted.

27 The question being on Sen. Rhoden's motion that the report of the Conference Committee  
28 on SB 15 be adopted.

1 And the roll being called:

2 Yeas 25, Nays 9, Excused 1, Absent 0

3 Yeas:

4 Adelstein; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Johnston; Kirkeby;  
5 Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie);  
6 Peters; Rave; Rhoden; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle; White

7 Nays:

8 Begalka; Bradford; Buhl; Frerichs; Jensen; Lucas; Rampelberg; Sutton; Welke

9 Excused:

10 Jones

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

13 Sen. Rhoden moved that the report of the Conference Committee on SB 28 as found on  
14 page 722 of the Senate Journal be adopted.

15 The question being on Sen. Rhoden's motion that the report of the Conference Committee  
16 on SB 28 be adopted.

17 And the roll being called:

18 Yeas 29, Nays 5, Excused 1, Absent 0

19 Yeas:

20 Adelstein; Brown; Ewing; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Johnston; Kirkeby;  
21 Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten  
22 (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen;  
23 Vehle; Welke; White

24 Nays:

25 Begalka; Bradford; Buhl; Holien; Jensen

26 Excused:

27 Jones

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

30 Sen. Tieszen moved that the report of the Conference Committee on SB 147 as found on  
31 page 695 of the Senate Journal be adopted.

1           The question being on Sen. Tieszen's motion that the report of the Conference Committee  
2           on SB 147 be adopted.

3           And the roll being called:

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

5           Yeas:

6           Adelstein; Begalka; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
7           (Jean); Jensen; Johnston; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson  
8           (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Soholt; Sutton; Tidemann;  
9           Tieszen; Van Gerpen; Vehle; Welke; White

10          Nays:

11          Bradford; Kirkeby

12          Excused:

13          Jones; Rhoden

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

16          Sen. Olson moved that the report of the Conference Committee on SB 5 as found on page  
17          696 of the Senate Journal be adopted.

18          The question being on Sen. Olson's motion that the report of the Conference Committee  
19          on SB 5 be adopted.

20          And the roll being called:

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

22          Yeas:

23          Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff  
24          (Jean); Jensen; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell);  
25          Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Soholt; Sutton; Tidemann; Tieszen; Van  
26          Gerpen; Vehle; Welke; White

27          Nays:

28          Lucas

29          Excused:

30          Frerichs; Johnston; Jones; Rhoden

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

1 Sen. Hunhoff moved that the report of the Conference Committee on HB 1214 as found  
2 on page 695 of the Senate Journal be adopted.

3 The question being on Sen. Hunhoff's motion that the report of the Conference Committee  
4 on HB 1214 be adopted.

5 And the roll being called:

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

7 Yeas:

8 Adelstein; Begalka; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
9 Johnston; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell);  
10 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann; Tieszen; Van  
11 Gerpen; Vehle; Welke; White

12 Nays:

13 Bradford; Frerichs; Sutton

14 Excused:

15 Jones

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

18 Sen. Olson moved that consideration of the Conference Committee report on SB 235 be  
19 placed to follow HB 1130 on today's calendar.

20 Which motion prevailed.

21 Sen. Maher moved that the report of the Conference Committee on HB 1239 as found on  
22 page 721 of the Senate Journal be adopted.

23 Sen. Rhoden moved as a substitute motion that the Senate do not adopt the report of the  
24 Conference Committee on HB 1239 as found on page 721 of the Senate Journal and do not  
25 appoint a new committee.

26 The question being on Sen. Rhoden's substitute motion to not adopt the report of the  
27 Conference Committee on HB 1239 and to not appoint a new committee.

28 And the roll being called:

29 Yeas 25, Nays 8, Excused 2, Absent 0

1 Yeas:

2 Adelstein; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston;  
3 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie);  
4 Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann; Vehle; White

5 Nays:

6 Begalka; Bradford; Buhl; Frerichs; Sutton; Tieszen; Van Gerpen; Welke

7 Excused:

8 Jones; Olson (Russell)

9 So the motion having received an affirmative vote of a majority of the members-elect, the  
10 President declared the motion carried, the report was not adopted, and no new committee was  
11 appointed.

12 Sen. Kirkeby moved that the report of the Conference Committee on HB 1130 as found on  
13 page 721 of the Senate Journal be adopted.

14 The question being on Sen. Kirkeby's motion that the report of the Conference Committee  
15 on HB 1130 be adopted.

16 And the roll being called:

17 Yeas 27, Nays 1, Excused 7, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
20 (Jean); Jensen; Johnston; Kirkeby; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell);  
21 Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Tieszen; Van Gerpen; Welke;  
22 White

23 Nays:

24 Buhl

25 Excused:

26 Jones; Krebs; Lucas; Peters; Sutton; Tidemann; Vehle

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

29 There being no objection, the Senate reverted to Order of Business No. 6.

**REPORTS OF CONFERENCE COMMITTEES**

cc76A

MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 76 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that the Senate do concur with the House amendments.

Respectfully submitted,  
Brian Gosch  
House Committee Chair

Respectfully submitted,  
Timothy Rave  
Senate Committee Chair

cc195A

Also MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 195 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that the Senate do concur with the House amendments.

Respectfully submitted,  
Roger Solum  
House Committee Chair

Respectfully submitted,  
Larry Rhoden  
Senate Committee Chair

Sen. Brown moved to calendar SB 76 immediately.

Which motion prevailed.

**CONSIDERATION OF REPORT OF CONFERENCE COMMITTEE**

Sen. Rave moved that the report of the Conference Committee on SB 76 as found on page 732 of the Senate Journal be adopted.

The question being on Sen. Rave's motion that the report of the Conference Committee on SB 76 be adopted.

And the roll being called:

Yeas 28, Nays 0, Excused 7, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
3 Hunhoff (Jean); Jensen; Johnston; Kirkeby; Lederman; Maher; Monroe; Novstrup (Al); Olson  
4 (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Tieszen; Van Gerpen;  
5 Welke; White

6 Excused:

7 Jones; Krebs; Lucas; Peters; Sutton; Tidemann; Vehle

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

10 There being no objection, the Senate reverted to Order of Business No. 6.

11 **REPORTS OF CONFERENCE COMMITTEES**

12 cc155A

13 MR. PRESIDENT:

14 The Conference Committee respectfully reports that it has considered SB 155 and the  
15 amendments thereto made by the House, and the disagreement of the two houses thereon, and  
16 recommends that the Senate do not concur with the House amendments to SB 155 and do  
17 appoint a new committee.

18 Respectfully submitted,  
19 Justin Cronin  
20 House Committee Chair

Respectfully submitted,  
Shantel Krebs  
Senate Committee Chair

21 cc159a

22 Also MR. PRESIDENT:

23 The Conference Committee respectfully reports that it has considered SB 159 and the  
24 amendments thereto made by the House, and the disagreement of the two houses thereon, and  
25 recommends that SB 159 be amended as follows:

1 159aa

2 On page 3, line 15, of the House Appropriations Committee engrossed bill, delete "0.005"  
3 and insert "0.25".

4 Respectfully submitted,  
5 G. Mark Mickelson  
6 House Committee Chair

Respectfully submitted,  
Jim White  
Senate Committee Chair

7 **CONSIDERATION OF REPORT OF CONFERENCE COMMITTEE**

8 Sen. Olson moved that the report of the Conference Committee on SB 235 as found on  
9 page 714 of the Senate Journal be adopted.

10 The question being on Sen. Olson's motion that the report of the Conference Committee  
11 on SB 235 be adopted.

12 And the roll being called:

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

14 Yeas:

15 Adelstein; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
16 (Jean); Jensen; Johnston; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
17 Olson (Russell); Omdahl; Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
18 Van Gerpen; Vehle; Welke; White

19 Nays:

20 Begalka; Otten (Ernie)

21 Excused:

22 Jones; Rave

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

25 There being no objection, the Senate reverted to Order of Business No. 5.



1

**REPORT OF STANDING COMMITTEE**

2 MR. PRESIDENT:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
4 and Enrolling has carefully compared SB 5, 15, 28, and 200 and finds the same correctly  
5 enrolled.

6

Respectfully submitted,

7

Corey Brown, Chair

8

9 Sen. Olson moved that when we adjourn today, we adjourn to convene at 10:00 a.m on  
Friday, March 8, the 37<sup>th</sup> legislative day.

10

Which motion prevailed.

11

12 Sen. Brown moved that the Senate do now adjourn, which motion prevailed and at  
7:05 p.m. the Senate adjourned.

13

Jeannette Schipper, Secretary