



MINUTES

Executive Board

Fourth Meeting
2011 Interim
May 9, 2011

Room 414
State Capitol
Pierre, South Dakota

The fourth 2011 interim meeting of the Legislative Research Council Executive Board was called to order by Chair Charles M. Turbiville at 10:40 a.m. (CT), May 9, 2011, in Room 414 of the State Capitol, Pierre, South Dakota, and via the Digital Dakota Network (DDN) at the following locations: Northern State University, 1200 S. Jay St., Room Lib 117, Aberdeen, South Dakota; South Dakota; University Center, 2205 Career Ave., Room 282 S, Sioux Falls, South Dakota; School of Mines and Technology, Rapid City, South Dakota; South Dakota Department of Transportation, 2131 4th Avenue, Brookings, South Dakota; Lake Area Technical Institute, Main Building, Room 128, Watertown, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Joni Cutler (Vice Chair), Bob Gray, Jim Hundstad, Ryan Maher, Tom R. Nelson, Larry Tidemann, and Craig Tieszen; and Representatives Gene Abdallah, Kristin A. Conzet, Marc Feinstein, Larry Lucas (Ranking Minority Member), Val Rausch, Charles M. Turbiville (Chair), and Mark E. Venner. Representative Lance Carson was excused.

Staff members present included Jim Fry, LRC Director; Lou Adamson, Legislative Information System Coordinator; and Teri Retrum, Administrative Assistant.

(Note): For the purpose of continuity, these minutes are not necessarily in chronological order. Also, all material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). This meeting was web cast live. The archived web cast is available at the LRC web site at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas."

Approval of Minutes

REPRESENTATIVE LUCAS MOVED, SECONDED BY REPRESENTATIVE VENNER, THAT THE MINUTES OF THE APRIL 18, 2011, MEETING BE APPROVED. The motion prevailed on a voice vote.

Approval of Agenda

There being no changes to the agenda, **Chair Charles Turbiville** declared the agenda approved.

Report of the Personnel Subcommittee

Senator Bob Gray, Chair of the Personnel Subcommittee, reported that the subcommittee recommended that the following legislators be appointed to the Review of Sales Tax Exemptions Committee: Representative Charles Turbiville, Chair, and Senator Larry

Tidemann, Vice Chair; Senators Tom Hansen, Jim Hundstad, Tom Nelson, Al Novstrup, J.E. "Jim" Putnam, Bruce Rempelberg; and Representatives Kristin Conzet, Bernie Hunhoff, Tom Jones, Kim Vanneman, Mike Verchio, Mark Willadsen, and Dean Wink.

Chair Turbiville called for comment and discussion regarding the report of the Personnel Subcommittee.

Representative Gene Abdallah recommended that Representative Bert Tulson be appointed to the Review of Sales Tax Exemptions Committee.

Chair Turbiville explained that to appoint one more member to the committee would necessitate the removal of another so that the membership could remain at fifteen.

Representative Abdallah suggested that Representative Tulson replace Representative Willadsen on the committee.

Senator Gray said that the consensus of the subcommittee was that it would be prudent to appoint Representative Willadsen because he is the Chair of the House Committee on Taxation.

Representative Mark Venner said that Representative Tulson would be a good representative of the agriculture community on the committee; however, Representative Venner said that he has no problem with Representative Willadsen serving on the committee.

Chair Turbiville said that the Personnel Subcommittee worked together on the committee memberships and believes that what has been proposed is a good representation of South Dakota interests.

REPRESENTATIVE ABDALLAH MOVED, SECONDED BY REPRESENTATIVE VENNER, THAT THE EXECUTIVE BOARD REPLACE REPRESENTATIVE WILLADSEN WITH REPRESENTATIVE TULSON ON THE REVIEW OF SALES TAX EXEMPTIONS COMMITTEE.

Senator Gray said that having the tax chair on the committee makes sense and suggested that Representative Wink be replaced with Representative Tulson. He said that as Co-Chair of the Appropriations Committee, Representative Wink will be busy with the issues involved with that committee.

SENATOR GRAY MADE A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE LUCAS, THAT THE EXECUTIVE BOARD REPLACE REPRESENTATIVE WINK WITH REPRESENTATIVE TULSON ON THE REVIEW OF SALES TAX EXEMPTIONS COMMITTEE.

Representative Larry Lucas said that Representative Tulson indicated on the 2011 Interim Membership Survey that he did not want to serve on any of the studies this interim.

Representative Abdallah said that he had the understanding that Representative Tulson wanted to serve on this committee; however, in light of the information from Representative

Lucas, Representative Abdallah said that he did not have a problem with the proposed membership of the Review of Sales Tax Exemptions Committee.

Senator Gray withdrew his substitute motion.

Representative Abdallah withdrew his motion.

REPRESENTATIVE ABDALLAH MOVED, SECONDED BY REPRESENTATIVE RAUSCH, THAT THE EXECUTIVE BOARD APPROVE THE MEMBERSHIP OF THE REVIEW OF THE SALES TAX EXEMPTIONS COMMITTEE AS ADOPTED BY THE PERSONNEL SUBCOMMITTEE. The motion prevailed on a roll call vote with 14 voting AYE and 1 EXCUSED. Those voting AYE: Gray, Hundstad, Maher, Nelson, Tidemann, Tieszen, Abdallah, Conzet, Feinstein, Lucas, Rausch, Venner, Cutler, Turbiville. Those EXCUSED: Carson.

Continuing the report of the Personnel Subcommittee, Senator Gray reported that the subcommittee recommended that the following legislators be appointed to the Agency Review of the Department of Human Services: Senator Jean Hunhoff, Chair, and Representative Jacqueline Sly, Vice Chair; Senators Jim Bradford, Phyllis Heineman, Elizabeth Kraus; and Representatives Peggy Gibson, Jenna Haggar, Larry Lucas, Melisa Magstadt, Tad Perry, and Jim White.

Representative Marc Feinstein questioned whether including a review of the Human Services Center in the Agency Review of the Department of Human Services was considered.

Senator Gray said that it was worthy of discussion at a later time.

SENATOR HUNDSTAD MOVED, SECONDED BY REPRESENTATIVE FEINSTEIN, THAT THE EXECUTIVE BOARD APPROVE THE MEMBERSHIP OF THE AGENCY REVIEW OF THE DEPARTMENT OF HUMAN SERVICES COMMITTEE AS ADOPTED BY THE PERSONNEL SUBCOMMITTEE. The motion prevailed on a roll call vote with 14 voting AYE and 1 EXCUSED. Those voting AYE: Gray, Hundstad, Maher, Nelson, Tidemann, Tieszen, Abdallah, Conzet, Feinstein, Lucas, Rausch, Venner, Cutler, Turbiville. Those EXCUSED: Carson.

REPRESENTATIVE LUCAS MOVED, SECONDED BY REPRESENTATIVE LUCAS, THAT THE AGENCY REVIEW OF THE DEPARTMENT OF HUMAN SERVICES INCLUDE A REVIEW OF THE OPERATIONS OF THE HUMAN SERVICES CENTER.

Representative Lucas said that including the Human Services Center in the agency review is appropriate. He also noted that he spoke with Senator Jean Hunhoff regarding this inclusion and some concerns over voluntary and involuntary commitments to the Center.

Responding to Senator Gray, **Mr. Jim Fry**, LRC Director, said that a review has not been done of the Human Services Center.

Senator Jim Hundstad said that the Appropriations Committee toured the facility several years ago.

The motion prevailed on a roll call vote with 14 voting AYE and 1 EXCUSED. Those voting AYE: Gray, Hundstad, Maher, Nelson, Tidemann, Tieszen, Abdallah, Conzet, Feinstein, Lucas, Rausch, Venner, Cutler, Turbiville. Those EXCUSED: Carson.

Selection of Chair and Vice Chair of the Wind Energy Competitive Advisory Task Force

The legislative members of the Wind Energy Competitive Advisory Task Force are: Senators Corey Brown and Jason Frerichs; and Representatives Roger Solum and Steve Street.

REPRESENTATIVE FEINSTEIN MOVED, SECONDED BY SENATOR GRAY, THAT REPRESENTATIVE ROGER SOLUM BE APPOINTED CHAIR AND SENATOR COREY BROWN BE APPOINTED VICE CHAIR OF THE WIND ENERGY COMPETITIVE ADVISORY TASK FORCE. The motion prevailed on a roll call vote with 14 voting AYE and 1 EXCUSED. Those voting AYE: Gray, Hundstad, Maher, Nelson, Tidemann, Tieszen, Abdallah, Conzet, Feinstein, Lucas, Rausch, Venner, Cutler, Turbiville. Those EXCUSED: Carson.

Responding to Representative Abdallah, Senator Gray said that SB 194 provided for the appointment of the task force members. The Speaker of the House shall appoint two members of the House and two members of the general public. The President Pro Tempore of the Senate shall appoint two members of the Senate and two members of the general public. The Governor shall appoint three members of the general public. The initial appointments shall be made no later than July 1, 2011.

Responding to Representatives Abdallah and **Representative Kristin Conzet** regarding how legislators would be reimbursed for serving on the Governor's Task Force on Medicaid Solutions, Mr. Fry said that if those legislative members receive the same compensation given to the other members of that Task Force, then those legislative members also will receive that compensation. He said that the Executive Board is on record to compensate members of the Legislature who are appointed to the Governor's Task Force on Medicaid Solutions in the common manner, if they are not otherwise compensated.

Senator Joni Cutler asked what those legislative members should be doing in order to get paid.

Mr. Fry said that he will talk to the Governor's Office regarding this matter. The customary manner is to let the sponsoring agency provide the payment.

Senator Cutler requested that information be sent to those members regarding how they are to be compensated and how to proceed with a compensation request.

Adjournment

REPRESENTATIVE LUCAS MOVED, SECONDED BY REPRESENTATIVE ABDALLAH, THAT THE EXECUTIVE BOARD ADJOURN. The motion prevailed on a voice vote.

The Executive Board adjourned at 11:15 p.m.

