

JOURNAL OF THE SENATE

NINETIETH SESSION

THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 15, 2015

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

The prayer was offered by the Chaplain, Pastor Peggy Stempson, followed by the Pledge of Allegiance led by Senate page Nicholas Johnson.

The oath of office was administered by the President to the following named persons:
Sens. Ried Holien and Bill Van Gerpen.

Which was subscribed to and placed on file in the office of the Secretary of State.

Roll Call: All members present except Sen. Olson who was 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 second 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.

1

COMMUNICATIONS AND PETITIONS

2 February 4, 2014

3 The Honorable Matt Michels
4 President of the Senate
5 State Capitol
6 Pierre, SD 57501

7 Dear Mr. President and Members of the Senate:

8 Pursuant to the provisions of Section 42-7A-17 of the South Dakota Codified Laws and
9 subject to your consent, I have the honor to inform you that I have reappointed Robert H.
10 Hartford, Hughes County, Pierre, South Dakota, to the South Dakota Lottery Commission.

11 This appointment is effective immediately, and shall continue until January 1, 2017.

12 Sincerely,
13 Dennis Daugaard
14 Governor

15 The President announced the referral of the appointment to the Committee on
16 Commerce and Energy.

17 March 18, 2014

18 The Honorable Matt Michels
19 President of the Senate
20 State Capitol
21 Pierre, SD 57501-5070

22 Dear Mr. President and Members of the Senate:

23 Pursuant to the provisions of Chapter 1-16H of the South Dakota Codified Laws and subject
24 to your consent, I have the honor to inform you that I have reappointed Ronald Wheeler,
25 Lawrence County, Lead, South Dakota, to the South Dakota Science and Technology Authority.

26 This appointment is effective April 10, 2014, and shall continue until April 9, 2020.

27 Sincerely,
28 Dennis Daugaard
29 Governor

30 The President announced the referral of the appointment to the Committee on State Affairs.

1 April 10, 2014

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject
8 to your consent, I have the honor to inform you that I have reappointed Tony Klein, Hughes
9 County, Pierre, South Dakota, to the Board of Economic Development.

10 This appointment is effective April 15, 2014, and shall continue until April 14, 2018.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on State Affairs

15 April 10, 2014

16 The Honorable Matt Michels
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear Mr. President and Members of the Senate:

21 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject
22 to your consent, I have the honor to inform you that I have reappointed Greg Heineman,
23 Minnehaha County, Sioux Falls, South Dakota, to the Board of Economic Development.

24 This appointment is effective April 15, 2014, and shall continue until April 14, 2018.

25 Sincerely,
26 Dennis Daugaard
27 Governor

28 The President announced the referral of the appointment to the Committee on State Affairs.

1 April 10, 2014

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject
8 to your consent, I have the honor to inform you that I have reappointed John Calvin, Codington
9 County, Watertown, South Dakota, to the Board of Economic Development.

10 This appointment is effective April 15, 2014, and shall continue until April 14, 2018.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on State Affairs.

15 June 24, 2014

16 The Honorable Matt Michels
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear Mr. President and Members of the Senate:

21 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject
22 to your consent, I have the honor to inform you that I have reappointed Joseph Schartz,
23 Minnehaha County, Humboldt, South Dakota, to the State Board of Regents.

24 This appointment is effective July 2, 2014, and shall continue until July 1, 2016.

25 Sincerely,
26 Dennis Daugaard
27 Governor

28 The President announced the referral of the appointment to the Committee on Education.

1 July 30, 2014

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Chapter 24-13 of the South Dakota Codified Laws and subject
8 to your consent, I have the honor to inform you that I have appointed Patricia White Horse
9 Carda, Charles Mix County, Wagner, South Dakota, to the Board of Pardons and Paroles.

10 This appointment is effective immediately, and shall continue until January 19, 2016.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Judiciary.

15 August 4, 2014

16 The Honorable Matt Michels
17 President of the Senate
18 State Capitol
19 Pierre, SD 57501

20 Dear Mr. President and Members of the Senate:

21 Pursuant to the provisions of Chapter 1-16H of the South Dakota Codified Laws and subject
22 to your consent, I have the honor to inform you that I have reappointed Dana Dykhouse,
23 Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Science and Technology
24 Authority.

25 This appointment is effective August 15, 2014, and shall continue until August 14, 2020.

26 Sincerely,
27 Dennis Daugaard
28 Governor

29 The President announced the referral of the appointment to the Committee on State Affairs.

1 January 2, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject
8 to your consent, I am honored to inform you that I have reappointed Barry Jensen, Mellette
9 County, White River, South Dakota, to the Game, Fish and Parks Commission.

10 This appointment is effective January 11, 2015, and shall continue until January 10, 2019.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Agriculture
15 and Natural Resources.

16 January 5, 2015

17 The Honorable Matt Michels
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear Mr. President and Members of the Senate:

22 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject
23 to your consent, I am honored to inform you that I have reappointed Bart Blum, Lyman County,
24 Reliance, South Dakota, to the State Brand Board.

25 This appointment is effective immediately, and shall continue until January 1, 2018.

26 Sincerely,
27 Dennis Daugaard
28 Governor

29 The President announced the referral of the appointment to the Committee on Agriculture
30 and Natural Resources.

1 January 5, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject
8 to your consent, I am honored to inform you that I have appointed Myron Williams, Pennington
9 County, Wall, South Dakota, to the State Brand Board.

10 This appointment is effective immediately, and shall continue until January 1, 2018.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Agriculture
15 and Natural Resources.

16 **REPORTS OF STANDING COMMITTEES**

17 MR. PRESIDENT:

18 The Committee on Appropriations respectfully reports that it has had under consideration
19 SB 28 and returns the same with the recommendation that said bill do pass.

20 Respectfully submitted,
21 Deb Peters, Chair

22 **REPORTS OF JOINT- SELECT COMMITTEES**

23 MR. PRESIDENT:

24 Your Joint-Select Committee appointed to make arrangements for a Memorial Service for
25 deceased former members of the South Dakota House of Representatives and Senate
26 respectfully reports that they recommend that the House of Representatives and Senate recess
27 and convene in the House Chamber at 3:00 p.m. on January 22, 2015, and that a Joint
28 Memorial Resolution be introduced in their memory by their colleagues in the House of
29 Representatives and Senate.

1 A short program will follow the introduction of the Memorial Resolution. At the
2 conclusion of the Memorial Service, the Joint Session will be dissolved.

3 The Memorial Resolution shall be printed in the House and Senate Journals.

4 Respectfully submitted,
5 Scott Craig
6 Steve Hickey
7 Roger Hunt
8 Dennis Feickert
9 House Committee

Respectfully submitted,
Mike Vehle
Phyllis Heineman
Jim Bradford
Senate Committee

10 Also MR. PRESIDENT:

11 Your Joint-Select Committee appointed relative to securing chaplains for the Ninetieth
12 Legislative Session respectfully reports:

13 We have conferred with the Pierre/Ft. Pierre Ministerial Association and have arranged
14 for ministers to participate on a part-time basis under the direction of Pastor Sarah
15 Goldammer, Lutheran Memorial Church, as chief chaplain, to serve the Senate and House as
16 chaplains throughout the Ninetieth session of the Legislature. The chaplains are as follows:

17 John Armstrong, Dan Bader, Josh Baumann, Paul Bly, Larry Cass, John Fette, Ron
18 Garry, Sarah Goldammer, Mercy Hobbs, Auggie Minzlaff, Sunshine Minzlaff, J. P. Mosley,
19 Jr., Dodie Noordermeer, Peggy Stempson, and David Zellmer.

20 Respectfully submitted,
21 Scott Craig
22 Steve Hickey
23 Karen Soli
24 House Committee

Respectfully submitted,
Bill Van Gerpen
Gary Cammack
Scott Parsley
Senate Committee

25 Also MR. PRESIDENT:

26 Your Joint-Select Committee appointed for the purpose of conferring with the Director
27 of the Legislative Research Council in regard to making arrangements for the distribution of
28 the official directory, House and Senate journals and bills, and other legislative printing for
29 the two houses and the state offices with the full power to act respectfully reports that:

30 The Legislature orders 170 copies of the Senate and House bills and resolutions (each);
31 and 100 copies of the Senate and House daily journals (each) for the Ninetieth Legislative
32 Session.

33 The free distribution of sets of bills, resolutions, and daily journals shall be as follows:

1 Eight copies for the Governor's Office, thirteen copies for the Supreme Court, eleven
2 copies for the Legislative Research Council, four copies for the State Library Depository,
3 three copies for the Attorney General, two copies for the Bureau of Finance and
4 Management, four copies for the Secretary of State, two copies for the Department of
5 Legislative Audit, one copy for the Code Commission, one copy for the State Treasurer, one
6 copy for the State Auditor, one copy for the Commissioner of School and Public Lands, one
7 copy for the Public Utilities Commission, and press copies as needed. Accomplishment of
8 this distribution may be satisfied, in whole or in part, by obtaining electronic copies of these
9 documents from the legislative internet site.

10 State's Attorneys and County Auditors shall receive free copies of bills and journals if
11 they pay mailing charges at a rate of \$50 per set (bills or journals) for first-class mailing.

12 Distribution of bills and journals to state officials, boards, commissions, and
13 institutions will be made upon request in writing to the Legislative Research Council at a
14 charge of \$170 per set of bills and \$100 per set of journals plus mailing charges, if
15 applicable.

16 One copy of the official directory (red book) shall be distributed to each Senator and
17 Representative, four copies to the State Library, three copies to the Secretary of State and a
18 copy shall also be made available to state departments and the press upon request to the
19 Director of the Legislative Research Council. The public may obtain a copy for a fee of
20 \$7 payable to the Legislative Research Council.

21 One free copy of the South Dakota Legislative Index shall be distributed to the
22 Governor, the Lieutenant Governor, the Attorney General and the Supreme Court; four free
23 copies to the State Library Depository; and one free copy to Senators and Representatives.
24 Upon written request to the Legislative Documents Room before January 30, 2015, all other
25 state and private entities may purchase the South Dakota Legislative Index at a cost of \$50
26 per copy.

27 The Documents Clerk shall upon written request furnish any individual, firm,
28 corporation, association, or other organization with a set of House and Senate bills for \$170
29 per set and a set of journals for \$100 per set for the Ninetieth Legislative Session, plus
30 mailing charges, if applicable.

31 Legislators may have two copies of all bills and resolutions and two copies of the daily
32 journals distributed or mailed to constituents within the legislator's own district if
33 constituents or legislators pay mailing charges of \$50 per set for first-class mailing.

34 Registered lobbyists shall be entitled to one copy of the official directory upon payment
35 of the \$40 registration fee to the Secretary of State; and upon payment of an additional \$170
36 per set of bills and \$100 per set of journals plus mailing charges, if applicable, to the
37 Legislative Research Council, shall be entitled to one copy of all bills and resolutions or
38 journals pursuant to SDCL 2-12-3.

39 Bill status reports will be printed and sold to state agencies at cost and to registered
40 lobbyists for \$200 payable to the Legislative Research Council which receipted funds shall

1 be used to pay the printing costs. If bill status is mailed, the additional cost is \$125 for
2 first-class postage.

3 A free daily copy of the bill status report shall be distributed as follows:

4 Governor; Speaker of the House; Speaker Pro tempore of the House; House Majority
5 Leader; House Minority Leader; House Lobby; Chief Clerk of the House; Lieutenant
6 Governor; President Pro tempore of the Senate; Senate Majority Leader; Senate Minority
7 Leader; Senate Lobby; Secretary of the Senate; Page Advisor; Attorney General; Bureau of
8 Finance and Management; Secretary of State; Treasurer's Office; Auditor's Office; Office of
9 School and Public Lands; and Legislative Research Council. Accomplishment of this
10 distribution may be satisfied, in whole or in part, by obtaining electronic copies of these
11 documents from the legislative internet site.

12 The Documents Clerk shall at the end of the session file a report with the Director of
13 the Legislative Research Council of all money paid for the purchase of bills and journals and
14 show proof of having deposited such money with the State Treasurer. Such funds shall be
15 used to offset the costs of postage and printing of bills and journals.

16 Respectfully submitted,
17 Don Haggar
18 Jim Bolin
19 Paula Hawks
20 House Committee

Respectfully submitted,
Dan Lederman
Ried Holien
Troy Heinert
Senate Committee

21 **MESSAGES FROM THE HOUSE**

22 MR. PRESIDENT:

23 I have the honor to inform your honorable body that the House has adopted the report
24 of the Joint-Select Committee for the purpose of arranging legislative days for members,
25 officers, and employees of the House and Senate.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has adopted the report
28 of the Joint-Select Committee relative to setting the compensation schedule for the elective
29 and appointive officers and employees of the Senate and House for the Ninetieth Legislative
30 Session.

31
32

Respectfully,
Arlene Kvislen, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2 Sen. Brown moved that SB 70 be referred from the Committee on Judiciary to the
3 Committee on State Affairs.

4 Which motion prevailed.

5 Sen. Rave moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
6 Friday, January 16, the 4th legislative day.

7 Which motion prevailed.

8 **CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

9 Sen. Rave moved that the report of the Joint-Select Committee relative to the
10 compensation for the elected and appointed officers and employees for the Ninetieth
11 Legislative Session as found on page 34 of the Senate Journal be adopted.

12 The question being on Sen. Rave's motion that the report of the Joint-Select
13 Committee relative to the compensation for the elected and appointed officers and
14 employees for the Ninetieth Legislative Session as found on page 34 of the Senate Journal
15 be adopted.

16 And the roll being called:

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

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
20 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen
21 (Phil); Lederman; Monroe; Novstrup (David); Omdahl; Otten (Ernie); Parsley; Peters;
22 Peterson (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
23 Gerpen; Vehle; White

24 Excused:

25 Olson

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

28 Sen. Rave moved that the report of the Joint-Select Committee relative to legislative
29 days for the 90th Legislative Session as found on page 34 of the Senate Journal be adopted.

1 Which motion prevailed.

2 Sen. Soholt moved that the Senate do now adjourn, which motion prevailed and at
3 2:28 p.m. the Senate adjourned.

4 Kay Johnson, Secretary