

JOURNAL OF THE HOUSE

EIGHTY-SIXTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 3, 2011

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Larry Cass, followed by the Pledge of Allegiance led by House pages Michala Jones, Brittany Knutson, and Melaney Maag.

Roll Call: All members present except Reps. Deelstra, Dryden, Feinstein, and Vanneman who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fifteenth 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,
Val Rausch, Chair

Which motion prevailed.

1 with relevant federal and state patient privacy laws. A copy of the signed consent shall be
2 transmitted to the hospital with the health records. If consent is not granted by the client, the
3 midwife shall notify the hospital that the hospital is included in a home birth transport plan and
4 identify the estimated due date. In any event, if there is no transport, the registered midwife shall
5 notify the hospital within one week after delivery."

6 And that as so amended said bill do pass.

7 Respectfully submitted,
8 Jamie Boomgarden, Chair

9 Also MR. SPEAKER:

10 The Committee on Transportation respectfully reports that it has had under consideration
11 SB 18 and returns the same with the recommendation that said bill do pass and be placed on the
12 consent calendar.

13 Also MR. SPEAKER:

14 The Committee on Transportation respectfully reports that it has had under consideration
15 HB 1214 which was deferred to the 41st Legislative Day.

16 Respectfully submitted,
17 Mike Verchio, Chair

18 Also MR. SPEAKER:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 HB 1111 and returns the same with the recommendation that said bill be referred to the
21 Committee on State Affairs.

22 Also MR. SPEAKER:

23 The Committee on Appropriations respectfully reports that it has had under consideration
24 HB 1205 which was tabled.

25 Also MR. SPEAKER:

26 The Committee on Appropriations respectfully reports that it has had under consideration
27 HB 1063, 1065, 1072, and 1073 which were deferred to the 41st Legislative Day.

28 Respectfully submitted,
29 Dean Wink, Chair

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1114 and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on Local Government respectfully reports that it has had under
6 consideration HB 1118 and returns the same with the recommendation that said bill do pass and
7 be placed on the consent calendar.

8 Also MR. SPEAKER:

9 The Committee on Local Government respectfully reports that it has had under
10 consideration HB 1176 which was deferred to the 41st Legislative Day.

11 Respectfully submitted,
12 Mark Kirkeby, Chair

13 **MESSAGES FROM THE SENATE**

14 MR. SPEAKER:

15 I have the honor to return herewith HB 1004, 1017, 1018, 1019, 1020, and 1021 which
16 have passed the Senate without change.

17 Also MR. SPEAKER:

18 I have the honor to transmit herewith SB 3, 4, 28, 35, 64, 69, 75, 88, 89, 90, and 106 which
19 have passed the Senate and your favorable consideration is respectfully requested.

20 Respectfully,
21 Trudy Evenstad, Secretary

1

MOTIONS AND RESOLUTIONS

2 HOUSE PAGE RESOLUTION 2 Introduced by: Representatives Abdallah; Blake;
3 Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
4 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar, Hansen, Jon; Hawley; Hickey;
5 Hoffman; Hubbel; Hunhoff, Bernie; Hunt; Iron Cloud; Jensen; Jones; Juhnke; Killer; Kirkeby;
6 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson,
7 Stace; Novstrup, David; Olson, Betty; Perry, Rausch, Romkema; Rozum; Russell; Schaefer;
8 Schrempp, Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
9 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer

10 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives
11 of the Eighty-sixth Legislature of the State of South Dakota to Jordan Abu-Sirriya,
12 Michelle Corio, JaCee Dennert, Kaitlyn Galbraith, Shanna Geist, Caitlin Getty, Matthew
13 Johnson, Michala Jones, Brittany Knutson, Melaney Maag, Nicole Messner, Andrea
14 Paulson, Becky Plumage, Megan Raposa, Brenna Rausch, Rebecca Runge, Max Sauer,
15 Loriann Schimke, Evan Stroeder.

16 WHEREAS, the above named served loyally as pages for the House of Representatives of
17 the Eighty-sixth Legislative Session; and

18 WHEREAS, the members of the Eighty-sixth House of Representatives express their most
19 sincere appreciation to these young people for their service to the state; and

20 WHEREAS, the members extend to these young people their wishes for every success in
21 life:

22 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
23 sixth Legislature of the State of South Dakota, that a personal copy of this resolution be duly
24 certified and furnished to each page on this last day of service.

25 Rep. Hoffman moved that House Page Resolution 2 be adopted.

26 Which motion prevailed and the resolution was adopted.

27 SCR 4: A CONCURRENT RESOLUTION, Endorsing the adoption of a national flag to
28 honor and remember those who died while serving in America's military.

29 Rep. Turbiville moved that SCR 4 as found on pages 237 and 238 of the Senate Journal
30 be concurred in.

1 The question being on Rep. Turbiville's motion that SCR 4 be concurred in.

2 And the roll being called:

3 Yeas 66, Nays 0, Excused 4, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Dennert; Elliott;
6 Fargen; Feickert; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;
7 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; Killer; Kirkeby;
8 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
9 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
10 Schrempp; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van
11 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

12 Excused:

13 Deelstra; Dryden; Feinstein; Vanneman

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the motion carried and SCR 4 was concurred in.

16 HCR 1004 Introduced by: Representatives Steele, Abdallah, Boomgarden, Brunner,
17 Carson, Deelstra, Greenfield, Hansen (Jon), Hickey, Hoffman, Hubbel, Hunt, Jensen, Kirkeby,
18 Kopp, Liss, Miller, Moser, Munsterman, Nelson (Stace), Novstrup (David), Olson (Betty),
19 Rozum, Russell, Schaefer, Sly, Tulson, Turbiville, Van Gerpen, Vanneman, Verchio, White,
20 and Wick and Senators Begalka, Garnos, Holien, Lederman, Maher, Novstrup (Al),
21 Rampelberg, and Rhoden

22 A CONCURRENT RESOLUTION, Making certain legislative findings about the
23 constitutionality of the federal health care system.

24 WHEREAS, the Legislature finds that no authority exists in the United States Constitution
25 to justify the enactment of any federal statute which interferes with the right of any person or
26 entity to choose their personal physician, private health care system, or private health care
27 coverage; and

28 WHEREAS, the Legislature further finds that no authority exists in the United States
29 Constitution to justify the enactment of any federal statute which imposes any penalty, tax, fee,
30 or fine, of any type, for declining to purchase health care coverage or participate in any
31 particular health care system or plan:

32 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
33 sixth Legislature of the State of South Dakota, the Senate concurring therein, the Legislature
34 finds that in the absence of such specific authority, and in conjunction with the unenumerated
35 and reserved powers retained by the people and the states pursuant to the ninth and tenth
36 amendments, all such federal legislation is inherently unconstitutional.

1 Was read the first time and the Speaker waived the committee referral.

2 **CONSIDERATION OF REPORTS OF COMMITTEES**

3 Rep. Lust moved that the reports of the Standing Committees on
4 Education on HB 1133 as found on page 258 of the House Journal; also
5 Commerce and Energy on HB 1085 as found on page 259 of the House Journal; also
6 State Affairs on HB 1139 as found on pages 259 and 260 of the House Journal; also
7 Judiciary on HB 1062 as found on pages 260 and 261 of the House Journal; also
8 Judiciary on HB 1154 as found on pages 261 and 262 of the House Journal be adopted.
9 Which motion prevailed.

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

11 SB 3: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use
12 of the state seal.

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

14 SB 4: FOR AN ACT ENTITLED, An Act to update certain standards governing pedestrian
15 control signals.

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

17 SB 28: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
18 authority of the secretary of transportation to create limited speed zones through highway work
19 areas and to declare an emergency.

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

21 SB 35: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crime
22 of taking pictures without consent and to provide for a felony penalty under certain
23 circumstances.

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

1 SB 64: FOR AN ACT ENTITLED, An Act to provide that interest paid on negative
2 balances in employers' experience rating accounts be credited to their experience rating
3 accounts.

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

5 SB 69: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to county
6 veterans memorials.

7 Was read the first time and referred to the Committee on Local Government.

8 SB 75: FOR AN ACT ENTITLED, An Act to revise the requirements for the annual
9 conference held for the directors of equalization.

10 Was read the first time and referred to the Committee on Local Government.

11 SB 88: FOR AN ACT ENTITLED, An Act to revise certain penalties involving the bribery
12 of a voter.

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

14 SB 89: FOR AN ACT ENTITLED, An Act to clarify a municipality's ability to assess a fee
15 for street maintenance.

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

17 SB 90: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning tax
18 incremental districts.

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

20 SB 106: FOR AN ACT ENTITLED, An Act to provide for reciprocal nonresident trapping
21 licenses.

22 Was read the first time and referred to the Committee on Agriculture and Natural
23 Resources.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 HB 1174: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
3 alcoholic beverage licenses issued at the county fairgrounds.

4 Was read the second time.

5 The question being "Shall HB 1174 pass?"

6 And the roll being called:

7 Yeas 66, Nays 0, Excused 4, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Dennert; Elliott;
10 Fargen; Feickert; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;
11 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; Killer; Kirkeby;
12 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
13 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
14 Schrempp; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van
15 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Excused:

17 Deelstra; Dryden; Feinstein; Vanneman

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

20 HB 1180: FOR AN ACT ENTITLED, An Act to revise and repeal certain outdated
21 provisions regarding land surveying.

22 Was read the second time.

23 The question being "Shall HB 1180 pass?"

24 And the roll being called:

25 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Dennert; Elliott;
3 Fargen; Feickert; Gibson; Gosch; Greenfield; Hagggar; Hansen (Jon); Hawley; Hickey; Hoffman;
4 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; Killer; Kirkeby;
5 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
6 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van
8 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Excused:

10 Deelstra; Dryden; Feinstein; Vanneman

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

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

14 Rep. Lust moved that the balance of the calendar including HB 1002 and 1152 and SB 16
15 be deferred to Monday, February 7th, the 17th legislative day.

16 Which motion prevailed.

17 **REPORTS OF STANDING COMMITTEES**

18 MR. SPEAKER:

19 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
20 and Enrolling has carefully compared HB 1004, 1017, 1018, 1019, 1020, and 1021 and finds
21 the same correctly enrolled.

22 Respectfully submitted,
23 Val Rausch, Chair

24 **SIGNING OF BILLS**

25 The Speaker publicly read the title to

26 HB 1004: FOR AN ACT ENTITLED, An Act to codify the legislation enacted in 2010.

27 HB 1017: FOR AN ACT ENTITLED, An Act to authorize the release of offender
28 photographs and physical description for purposes of victim and community notification.

1 HB 1018: FOR AN ACT ENTITLED, An Act to provide for a partial early final discharge
2 from parole.

3 HB 1019: FOR AN ACT ENTITLED, An Act to include employees responsible for
4 persons on supervised release or probation and members of the Board of Pardons and Paroles
5 in protections afforded law enforcement and judicial officers.

6 HB 1020: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the
7 disclosure of parole eligibility at sentencing.

8 HB 1021: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
9 inspection of parole files.

10 And signed the same in the presence of the House.

11 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
12 1:29 p.m. the House adjourned.

13

Karen Gerdes, Chief Clerk