

JOURNAL OF THE HOUSE

EIGHTY-SIXTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 17, 2011

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Karl Kroger, followed by the Pledge of Allegiance led by House pages Douglas Kronaizl and Chad Peterson.

Roll Call: All members present except Reps. Elliott and Killer 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 twenty-third 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 **COMMUNICATIONS AND PETITIONS**

2 February 17, 2011

3 Mr. Speaker and Members of the House of Representatives:

4 I have the honor to inform you that on February 17, 2011, I approved House Bills 1009, 1010,
5 1013, 1016, 1030, 1031, 1032, 1035, 1036, 1037, 1038, and 1042, and the same have been
6 deposited in the office of the Secretary of State.

7 Respectfully submitted,
8 Dennis Daugaard
9 Governor

10 **REPORTS OF STANDING COMMITTEES**

11 MR. SPEAKER:

12 The Committee on Agriculture and Natural Resources respectfully reports that it has had
13 under consideration HB 1178 and returns the same with the recommendation that said bill do
14 pass.

15 Also MR. SPEAKER:

16 The Committee on Agriculture and Natural Resources respectfully reports that it has had
17 under consideration HB 1132 and 1210 which were deferred to the 41st Legislative Day.

18 Respectfully submitted,
19 Kim Vanneman, Chair

20 Also MR. SPEAKER:

21 The Committee on Health and Human Services respectfully reports that it has had under
22 consideration HB 1240 and returns the same with the recommendation that said bill be amended
23 as follows:

24 1240ja

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

26 " Section 1. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as
27 follows:

1 Any person selling non-temperature-controlled baked goods from the person's own primary
2 residence is exempt from the licensing and license fee provisions of this chapter under the
3 following conditions:

4 (1) Any non-temperature-controlled baked goods sold from a person's own primary
5 residence is for consumption off the premises;

6 (2) Any non-temperature-controlled baked goods sold from a person's own primary
7 residence meets the requirements of § 34-18-37; and

8 (3) The total gross receipts from the sale of non-temperature-controlled baked goods
9 from the person's own primary residence does not exceed five thousand dollars in a
10 calendar year."

11 1240jta

12 On page 1, line 1, of the printed bill, delete everything after "exempt" and insert "certain
13 sales of non-temperature-controlled baked goods from certain licensing requirements."

14 On page 1, delete line 2.

15 And that as so amended said bill do pass.

16 Also MR. SPEAKER:

17 The Committee on Health and Human Services respectfully reports that it has had under
18 consideration HB 1059 and 1254 which were deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Jamie Boomgarden, Chair

21 Also MR. SPEAKER:

22 The Committee on Transportation respectfully reports that it has had under consideration
23 SB 99 and returns the same with the recommendation that said bill do pass.

24 Respectfully submitted,
25 Mike Verchio, Chair

26 Also MR. SPEAKER:

27 The Committee on Local Government respectfully reports that it has had under
28 consideration SB 61 and 62 and returns the same with the recommendation that said bills do
29 pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration SB 75 and returns the same with the recommendation that said bill do pass and
4 be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on Local Government respectfully reports that it has had under
7 consideration HB 1136 which was deferred to the 41st Legislative Day.

8 Respectfully submitted,
9 Mark Kirkeby, Chair

10 Also MR. SPEAKER:

11 The Committee on Taxation respectfully reports that it has had under consideration SB 90
12 and returns the same with the recommendation that said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Taxation respectfully reports that it has had under consideration SB 40
15 and returns the same with the recommendation that said bill do pass and be placed on the
16 consent calendar.

17 Also MR. SPEAKER:

18 The Committee on Taxation respectfully reports that it has had under consideration
19 HB 1128, which was removed from the table, and returns the same with the recommendation
20 that said bill be amended as follows:

21 1128fa

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

23 " Section 1. That § 50-9-13 be amended to read as follows:

24 50-9-13. Any anemometer tower that is fifty feet in height above the ground or higher, that
25 is located outside the exterior boundaries of any municipality, and whose appearance is not
26 otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise
27 constructed to be recognizable in clear air during daylight hours. ~~Any anemometer tower that~~
28 ~~was erected before July 1, 2010 shall be marked as required in this section within one year after~~
29 ~~July 1, 2010.~~ Any anemometer tower that is erected on or after July 1, 2010 shall be marked as

1 required in this section at the time it is erected. Marking required under this section includes
2 marking the anemometer tower, guy wires, and accessory facilities as follows:

3 (1) The top one-third of the anemometer tower shall be painted in equal, alternating
4 bands of aviation orange and white, beginning with orange at the top of the tower and
5 ending with orange at the bottom of the marked portion of the tower;

6 (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy
7 wires;

8 (3) The area surrounding each point where a guy wire is anchored to the ground shall
9 have a contrasting appearance with any surrounding vegetation. If the adjacent land
10 is grazed, the area surrounding the anchor point shall be fenced. For purposes of this
11 section, the term, area surrounding the anchor point, means an area not less than
12 sixty-four square feet whose outer boundary is at least four feet from the anchor
13 point; and

14 (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall
15 extend from the anchor point along each guy wire attached to the anchor point.

16 A violation of this section is a Class 2 misdemeanor.

17 Section 2. That chapter 50-9 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 The Aeronautics Commission shall establish and maintain a database to identify the
20 locations of each existing anemometer tower. By January 1, 2012, each person with an
21 anemometer tower erected in the state shall provide the commission with the global positioning
22 coordinates of the center of each anemometer tower. Each person proposing to erect an
23 anemometer tower shall provide to the commission the global positioning coordinates of the
24 center of the tower at least fifteen days before the erection of the tower.

25 Section 3. That chapter 50-9 be amended by adding thereto a NEW SECTION to read as
26 follows:

27 Any anemometer tower that was erected before July 1, 2010, is required to meet the
28 provisions of section 2 of this Act but is not required to meet the provisions of § 50-9-13."

29 1128fta

30 On page 1, line 1, of the printed bill, delete everything after "modify" and insert "the
31 registration of certain anemometer towers used for wind energy testing purposes."

32 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Taxation respectfully reports that it has had under consideration HB 1187
3 which was tabled.

4 Respectfully submitted,
5 Mark K. Willadsen, Chair

6 Also MR. SPEAKER:

7 The Committee on Judiciary respectfully reports that it has had under consideration
8 HB 1219 and returns the same with the recommendation that said bill be amended as follows:

9 1219ja

10 On page 1, line 8, of the printed bill, delete everything after "of" and insert "a tenant who
11 is on active military service or if a person on active military service is an immediate family
12 member of the tenant,".

13 On page 1, line 9, delete everything before "the tenant" .

14 On page 1, delete line 15.

15 On page 2, delete lines 1 to 5, inclusive.

16 And that as so amended said bill do pass.

17 Also MR. SPEAKER:

18 The Committee on Judiciary respectfully reports that it has had under consideration
19 HB 1242 and returns the same with the recommendation that said bill be amended as follows:

20 1242ra

21 On page 2, line 10, of the printed bill, delete "Class 2" and insert "Class 1".

22 And that as so amended said bill do pass.

23 Also MR. SPEAKER:

24 The Committee on Judiciary respectfully reports that it has had under consideration
25 HJR 1004 which was tabled.

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration
3 HB 1241 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Roger W. Hunt, Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to return herewith HB 1001 and 1015 which have passed the Senate
9 without change.

10 Also MR. SPEAKER:

11 I have the honor to return herewith HB 1034 which has been amended by the Senate and
12 your concurrence in the amendments is respectfully requested.

13 Also MR. SPEAKER:

14 I have the honor to transmit herewith SB 98, 123, 158, and 193 which have passed the
15 Senate and your favorable consideration is respectfully requested.

16 Respectfully,
17 Trudy Evenstad, Secretary

18 **MOTIONS AND RESOLUTIONS**

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

27 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives
28 of the Eighty-sixth Legislature of the State of South Dakota to Tara Andresen, Nathan
29 Audiss, Janesa Bakeberg, Kortney Brunner, Anna Cronin, Dana Dedeck, Hanna Gacke,

1 Kallista Heath, Douglas Kronaizl, Rachel Nelson, Chad Peterson, Alexis Shoup, Michael
2 Stier, Katelyn Stoltenburg, Courtney Storm, Tina Vaughn, Katie Wegleitner.

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

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

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

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

12 Rep. Sly moved that House Page Resolution 3 be adopted.

13 Which motion prevailed and the resolution was adopted.

14 Yesterday, Rep. Tornow announced his intention to reconsider the vote by which HB 1206
15 lost.

16 No member moved to reconsider the vote by which HB 1206 lost.

17 HCR 1006: A CONCURRENT RESOLUTION, In support of reforming the federal Toxic
18 Substances Control Act of 1976.

19 Rep. Feinstein moved that HCR 1006 as found on pages 392 to 394 of the House Journal
20 be adopted.

21 The question being on Rep. Feinstein's motion that HCR 1006 be adopted.

22 And the roll being called:

23 Yeas 24, Nays 44, Excused 2, Absent 0

24 Yeas:

25 Blake; Dennert; Fargen; Feickert; Feinstein; Gibson; Hawley; Hickey; Hubbel; Hunhoff
26 (Bernie); Hunt; Iron Cloud III; Jones; Kirschman; Kloucek; Lucas; Miller; Schrempp;
27 Sigdestad; Street; Stricherz; Venner; Wismer; Speaker Rausch

1 Nays:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
3 Greenfield; Haggar; Hansen (Jon); Hoffman; Jensen; Juhnke; Kirkeby; Kopp; Liss; Lust;
4 Magstadt; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry;
5 Romkema; Rozum; Russell; Schaefer; Sly; Solum; Steele; Tornow; Tulson; Turbiville; Van
6 Gerpen; Vanneman; Verchio; White; Wick; Willadsen; Wink

7 Excused:

8 Elliott; Killer

9 So the motion not having received an affirmative vote of a majority of the members-elect,
10 the Speaker declared the motion lost.

11 HCR 1007: A CONCURRENT RESOLUTION, Endorsing Taiwan's participation as
12 observer in the International Civil Aviation Organization and United Nations Framework
13 Convention on Climate Change.

14 Rep. Hunt moved that HCR 1007 as found on pages 418 and 419 of the House Journal be
15 adopted.

16 The question being on Rep. Hunt's motion that HCR 1007 be adopted.

17 And the roll being called:

18 Yeas 65, Nays 3, Excused 2, Absent 0

19 Yeas:

20 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
21 Dryden; Fargen; Feickert; Feinstein; Gosch; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;
22 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; Kirkeby; Kirschman;
23 Kloucek; Kopp; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup
24 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Sigdestad; Sly;
25 Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner;
26 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

27 Nays:

28 Gibson; Greenfield; Liss

29 Excused:

30 Elliott; Killer

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the motion carried and HCR 1007 was adopted.

1 HCR 1008: A CONCURRENT RESOLUTION, Expressing opposition to the U.S. Army
2 Corps of Engineers' proposal to levy fees for the storage of water in the Missouri River
3 reservoirs.

4 Rep. Schaefer moved that HCR 1008 as found on pages 419 and 420 of the House Journal
5 be adopted.

6 The question being on Rep. Schaefer's motion that HCR 1008 be adopted.

7 And the roll being called:

8 Yeas 66, Nays 1, Excused 3, Absent 0

9 Yeas:

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

17 Nays:

18 Verchio

19 Excused:

20 Elliott; Hansen (Jon); Killer

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the motion carried and HCR 1008 was adopted.

23 Rep. Tornow moved that the Committee on Judiciary be instructed to deliver HB 1076 to
24 the floor of the House, pursuant to Joint Rule 7-7.

25 Which motion lost.

26 **CONSIDERATION OF REPORTS OF COMMITTEES**

27 Rep. Lust moved that the reports of the Standing Committees on

28 Education on HB 1093 as found on pages 410 and 411 of the House Journal; also

29 State Affairs on HB 1231 as found on pages 411 and 412 of the House Journal; also

30 State Affairs on HB 1232 as found on pages 412 and 413 of the House Journal; also

1 State Affairs on HB 1236 as found on page 413 of the House Journal; also
2 Appropriations on HB 1194 as found on pages 414 and 415 of the House Journal; also
3 Judiciary on HB 1255 as found on page 415 of the House Journal be adopted.
4 Which motion prevailed.

5 Rep. Venner moved that the word NOT be stricken from the report of the Committee on
6 Health and Human Services on HB 1120 as found on page 410 of the House Journal and that
7 the bill be placed on today's calendar.

8 The question being on Rep. Venner's motion that the word NOT be stricken from the report
9 of the Committee on Health and Human Services on HB 1120 and that the bill be placed on
10 today's calendar.

11 And the roll being called:

12 Yeas 26, Nays 42, Excused 2, Absent 0

13 Yeas:

14 Brunner; Deelstra; Greenfield; Haggar; Hansen (Jon); Hickey; Hubbel; Hunt; Jensen; Kirkeby;
15 Kopp; Liss; Miller; Munsterman; Nelson (Stace); Olson (Betty); Rozum; Russell; Schaefer;
16 Solum; Steele; Tornow; Tulson; Van Gerpen; Venner; Verchio

17 Nays:

18 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Dennert; Dryden; Fargen;
19 Feickert; Feinstein; Gibson; Gosch; Hawley; Hoffman; Hunhoff (Bernie); Iron Cloud III; Jones;
20 Juhnke; Kirschman; Kloucek; Lucas; Lust; Magstadt; Moser; Novstrup (David); Perry;
21 Romkema; Schrempp; Sigdestad; Sly; Street; Stricherz; Turbiville; Vanneman; White; Wick;
22 Willadsen; Wink; Wismer; Speaker Rausch

23 Excused:

24 Elliott; Killer

25 So the motion not having received an affirmative vote of a majority of the members-elect,
26 the Speaker declared the motion lost.

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

28 SB 98: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
29 employment of a city manager and to declare an emergency.

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

1 SB 123: FOR AN ACT ENTITLED, An Act to allow military spouses to receive
2 unemployment compensation if they leave their jobs due to a spouse's military transfer.

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

4 SB 158: FOR AN ACT ENTITLED, An Act to toll the Department of Environment and
5 Natural Resources administrative rules on underground injection control Class III wells and in
6 situ leach mining until the department obtains primary enforcement authority of the comparable
7 federal programs.

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

9 SB 193: FOR AN ACT ENTITLED, An Act to authorize counties to issue additional on-
10 sale licenses for certain facilities located on hunting preserves.

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

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 SB 45: FOR AN ACT ENTITLED, An Act to repeal the requirement to prepare a report
14 on extending health insurance to medically uninsurable individuals who are not part of a small
15 employer group.

16 Was read the second time.

17 The question being "Shall SB 45 pass?"

18 And the roll being called:

19 Yeas 65, Nays 3, Excused 2, Absent 0

20 Yeas:

21 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
22 Fargen; Feickert; Feinstein; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
23 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; Kirkeby;
24 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
25 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
26 Schrempp; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;
27 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

28 Nays:

29 Blake; Gibson; Tornow

1 Excused:
2 Elliott; Killer

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

5 SB 70: FOR AN ACT ENTITLED, An Act to prohibit the creation of private transfer fee
6 obligations and to require certain procedures for notice and disclosure for existing private
7 transfer fee obligations.

8 Was read the second time.

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

10 And the roll being called:

11 Yeas 65, Nays 3, Excused 2, Absent 0

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

20 Nays:
21 Blake; Gibson; Tornow

22 Excused:
23 Elliott; Killer

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

26 SB 110: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
27 collateral real estate mortgages.

28 Was read the second time.

29 The question being "Shall SB 110 pass?"

30 And the roll being called:

31 Yeas 65, Nays 3, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
3 Fargen; Feickert; Feinstein; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
4 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; 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; Tulson; Turbiville; Van Gerpen;
8 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Blake; Gibson; Tornow

11 Excused:

12 Elliott; Killer

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

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

16 Rep. Lust moved that HB 1203 be deferred to Wednesday, February 23rd, the
17 26th legislative day.

18 Which motion prevailed.

19 Rep. Lust moved that HB 1230 be placed to precede HB 1248 on today's calendar.

20 Which motion prevailed.

21 Rep. Lust moved that HB 1215 and 1171 be placed to follow HB 1248 on today's calendar.

22 Which motion prevailed.

23 HB 1230: FOR AN ACT ENTITLED, An Act to establish the large project development
24 fund, to provide for its administration, and to make an appropriation therefor.

25 Was read the second time.

26 The question being "Shall HB 1230 pass?"

27 And the roll being called:

28 Yeas 50, Nays 18, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
3 Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Juhnke; Kirkeby;
4 Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David);
5 Olson (Betty); Perry; Romkema; Rozum; Schaefer; Sly; Solum; Steele; Stricherz; Tornow;
6 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
7 Speaker Rausch

8 Nays:

9 Blake; Dennert; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron Cloud III;
10 Jones; Kirschman; Kloucek; Lucas; Russell; Schrempp; Sigdestad; Street; Wismer

11 Excused:

12 Elliott; Killer

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

15 HB 1248: FOR AN ACT ENTITLED, An Act to repeal the sunset of the one-half percent
16 increase in the gross receipts tax imposed on visitor-related businesses.

17 Having had its second reading was up for consideration and final passage.

18 The question being "Shall HB 1248 pass as amended?"

19 And the roll being called:

20 Yeas 64, Nays 3, Excused 3, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
23 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey;
24 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Juhnke; Kirkeby;
25 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
26 (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Sigdestad; Sly; Solum; Steele;
27 Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio;
28 White; Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Greenfield; Nelson (Stace); Olson (Betty)

31 Excused:

32 Elliott; Killer; Wick

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

1 HB 1215: FOR AN ACT ENTITLED, An Act to repeal certain refund provisions of the
2 motor fuel tax for certain nonhighway agricultural use of motor fuels and to provide for the
3 distribution of such motor fuel tax.

4 Having had its second reading was up for consideration and final passage.

5 The question now being on Rep. Wink's pending motion to amend HB 1215 as found on
6 page 381 of the House Journal.

7 1215aa

8 Rep. Jon Hansen moved as a substitute motion that HB 1215 be amended as follows:

9 On page 2, line 17, of the House Transportation Committee engrossed bill, delete "a grant
10 to the Northern Crops Institute" and insert "the support of the state fair".

11 A roll call vote was requested and supported.

12 The question being on Rep. Jon Hansen's substitute motion that HB 1215 be amended.

13 And the roll being called:

14 Yeas 22, Nays 44, Excused 4, Absent 0

15 Yeas:

16 Abdallah; Bolin; Dryden; Gibson; Hansen (Jon); Jensen; Liss; Lust; Miller; Nelson (Stace);
17 Olson (Betty); Russell; Schaefer; Sly; Solum; Tornow; Tulson; Verchio; White; Wick;
18 Willadsen; Wink

19 Nays:

20 Blake; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Fargen; Feickert;
21 Feinstein; Gosch; Greenfield; Haggar; Hawley; Hickey; Hubbel; Hunhoff (Bernie); Hunt; Iron
22 Cloud III; Jones; Juhnke; Kirkeby; Kirschman; Kloucek; Kopp; Lucas; Magstadt; Munsterman;
23 Novstrup (David); Perry; Romkema; Rozum; Schrempp; Sigdestad; Steele; Street; Stricherz;
24 Turbiville; Van Gerpen; Vanneman; Venner; Wismer; Speaker Rausch

25 Excused:

26 Elliott; Hoffman; Killer; Moser

27 So the motion not having received an affirmative vote of a majority of the members
28 present, the Speaker declared the motion lost.

1 Rep. Wink's pending motion lost.

2 Rep. Cronin moved the previous question.

3 Which motion prevailed.

4 The question being "Shall HB 1215 pass as amended?"

5 And the roll being called:

6 Yeas 50, Nays 16, Excused 4, Absent 0

7 Yeas:

8 Abdallah; Blake; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Fargen;
9 Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey; Hubbel; Hunhoff
10 (Bernie); Hunt; Iron Cloud III; Jones; Juhnke; Kirkeby; Kirschman; Kopp; Lucas; Lust;
11 Magstadt; Miller; Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schaefer;
12 Schrempp; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Turbiville; Van Gerpen; Vanneman;
13 White; Wick; Wismer

14 Nays:

15 Bolin; Dryden; Hansen (Jon); Jensen; Kloucek; Liss; Nelson (Stace); Olson (Betty); Russell;
16 Tornow; Tulson; Venner; Verchio; Willadsen; Wink; Speaker Rausch

17 Excused:

18 Elliott; Hoffman; Killer; Moser

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

21 HB 1171: FOR AN ACT ENTITLED, An Act to expand the definition of justifiable
22 homicide to provide for the protection of certain unborn children.

23 Was read the second time.

24 Rep. Brunner moved that HB 1171 be laid on the table.

25 The question being on Rep. Brunner's motion that HB 1171 be laid on the table.

26 And the roll being called:

27 Yeas 61, Nays 4, Excused 5, Absent 0

1 Yeas:

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

9 Nays:

10 Miller; Nelson (Stace); Olson (Betty); Street

11 Excused:

12 Elliott; Hoffman; Killer; Moser; Perry

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and HB 1171 was tabled.

15 Rep. Lust moved that the balance of the calendar including HB 1155, 1217, 1179, 1245,
16 1208, 1110, 1157, 1104, 1252, 1229, 1113, and 1079 and SB 39, 4, 27, 28, 38, and 37 be
17 deferred to Tuesday, February 22nd, the 25th legislative day.

18 Which motion prevailed.

19 **REPORTS OF STANDING COMMITTEES**

20 MR. SPEAKER:

21 The Committee on Legislative Procedure respectfully reports that HB 1005, 1006, 1023,
22 1024, 1029, and 1080 were delivered to his Excellency, the Governor, for his approval at
23 10:20 a.m., February 17, 2011.

24 Also MR. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
26 and Enrolling has carefully compared HB 1001 and 1015 and finds the same correctly enrolled.

27
28

Respectfully submitted,
Val Rausch, Chair

1

SIGNING OF BILLS

2 The Speaker publicly read the title to

3 HB 1001: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
4 assessment of agricultural land.

5 HB 1015: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled
6 substances schedule and to declare an emergency.

7 SB 21: FOR AN ACT ENTITLED, An Act to eliminate the requirement for single action
8 hardware on primary exit doors for specialty resorts and vacation homes.

9 SB 47: FOR AN ACT ENTITLED, An Act to revise certain firm ownership provisions
10 regarding real estate license holders and to make form and style revisions to certain provisions
11 related to the Real Estate Commission.

12 SB 49: FOR AN ACT ENTITLED, An Act to authorize the Real Estate Commission to
13 commence actions for injunctions against certain individuals and entities that engage in the
14 practice of real estate without a license issued and to provide for recovery of costs of the
15 injunction proceedings by the commission.

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

17

COMMEMORATIONS

18 HC 1018 Introduced by: Representatives Nelson (Stace) and Hansen (Jon) and Senator
19 Rave

20 A LEGISLATIVE COMMEMORATION, Recognizing and congratulating the Garretson High
21 School Girls' Cross Country Team for an outstanding season and for winning the 2010 State
22 Class A Girls' Cross Country Championship.

23 WHEREAS, the Garretson High School Girls' Cross Country Team, coached by Jason Bohl
24 and Geof Furness, exemplified athletic excellence and the will to win the state championship
25 for the second year in a row; and

26 WHEREAS, the Garretson Girls' Cross Country athletes, Lindsey Bohl, Taylor Tillma, Erin
27 Nolz, Michelle Carnicle, Teisha Carnicle, Hailey Sage, Lydia Olson, and Shelby Ellefson, and
28 statistician Macey Bohl demonstrated discipline, dedication, and determination; and

29 WHEREAS, the 2010 season was also marked by other impressive first place finishes at the
30 Region 2A Meet, the Big East Conference Meet, the Lennox Invitational Meet, and the McCook
31 Central/Montrose Invitational Meet; and

1 WHEREAS, the coaching staff, the players, and the supportive community of Garretson worked
2 together to achieve the highest goal of winning the 2010 State Class A Girls' Cross Country
3 Championship by a margin of sixteen points:

4 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-sixth Legislature of the State
5 of South Dakota, that the Garretson High School Girls' Cross Country Team, its coaching staff,
6 and the community of Garretson be congratulated and commemorated on their victorious 2010
7 season.

8 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
9 4:14 p.m. the House adjourned.

10

Karen Gerdes, Chief Clerk