

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 10, 2012

BE IT REMEMBERED, That on the tenth day of January, A.D., two thousand twelve, at the hour of twelve o'clock meridian, on the second Tuesday in January, being the day and hour fixed by the Constitution of the state of South Dakota for the convening of the Legislature, the Eighty-seventh regular session of the House of Representatives in the Capitol, in the city of Pierre, in the county of Hughes, and the state of South Dakota, the seat of government thereof, was called to order by Jason Gant, the Secretary of State of the state of South Dakota.

The following prayer was offered by Deacon Peter Mehlhaff, St. Mary's Catholic Church, Aberdeen, South Dakota:

Let us pray:

Almighty and eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through Your authority is rightly administered, laws enacted and judgment is decreed.

Come to these legislators today and throughout this eighty-seventh session, remain with them and enlighten their hearts. Give them light and strength to know Your will, to make it their own and to live it in their lives. Guide them by Your wisdom; support them by Your power.

You desire justice for all. Enable these legislators to uphold the rights of others and keep them from being misled by lack of knowledge or tainted by fear or favor. Unite them to You in the bond of love and keep them faithful to all that is true. Help them to temper justice with love so that all their decisions may be pleasing to You, and earn for them the reward promised to good and faithful servants.

Amen.

The Pledge of Allegiance was led by House pages Preston Liedtke and Matthew Mielke.

1 I, JASON M. GANT, Secretary of State of the state of South Dakota, do hereby certify that
2 the following members, having been duly elected to the House of Representatives at the general
3 election held on November 2, 2010, are hereby certified as members of the House of
4 Representatives of the 2011-2012 Legislative Sessions:

- 5 District No. 1 Day, Marshall and Roberts Counties
6 Susan Wismer, Britton
7 David Sigdestad, Pierpont
- 8 District No. 2 Brown and Spink Counties
9 H. Paul Dennert, Columbia
10 Elaine M. Elliott, Aberdeen
- 11 District No. 3 Brown and McPherson Counties
12 Dennis Feickert, Aberdeen
13 David Novstrup, Aberdeen
- 14 District No. 4 Brookings, Deuel, Grant and Moody Counties
15 Steve Street, Reville
16 Val Rausch, Big Stone City
- 17 District No. 5 Codington County
18 Roger Solum, Watertown
19 Melissa Magstadt, Watertown
- 20 District No. 6 Beadle, Clark, Codington, Hamlin and Kingsbury Counties
21 Brock L. Greenfield, Clark
22 Burt E. Tulson, Lake Norden
- 23 District No. 7 Brookings County
24 Spencer Hawley, Brookings
25 Scott Munsterman, Brookings
- 26 District No. 8 Lake, Miner, Moody and Sanborn Counties
27 Mitch Fargen, Flandreau
28 Patricia K. Stricherz, Winfred
- 29 District No. 9 Minnehaha County
30 Bob Deelstra, Hartford
31 Steve Hickey, Sioux Falls
- 32 District No. 10 Lincoln and Minnehaha Counties
33 Gene G. Abdallah, Sioux Falls
34 Roger Hunt, Brandon
- 35 District No. 11 Lincoln and Minnehaha Counties
36 Mark K. Willadsen, Sioux Falls
37 Lora Hubbel, Sioux Falls

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| 1 | District No. 12 | Lincoln and Minnehaha Counties |
| 2 | | Manny Steele, Sioux Falls |
| 3 | | Hal Wick, Sioux Falls |
| 4 | District No. 13 | Minnehaha County |
| 5 | | Susy Blake, Sioux Falls |
| 6 | | Brian C. Liss, Sioux Falls |
| 7 | District No. 14 | Minnehaha County |
| 8 | | Marc S. Feinstein, Sioux Falls |
| 9 | | R. Shawn Tornow, Sioux Falls |
| 10 | District No. 15 | Minnehaha County |
| 11 | | Patrick A. Kirschman, Sioux Falls |
| 12 | | Jenna Haggard, Sioux Falls |
| 13 | District No. 16 | Lincoln and Union Counties |
| 14 | | Jim Bolin, Canton |
| 15 | | Patty Miller, North Sioux City |
| 16 | District No. 17 | Clay and Turner Counties |
| 17 | | Tom Jones, Viborg |
| 18 | | Jamie M. Boomgarden, Chancellor |
| 19 | District No. 18 | Yankton County |
| 20 | | Bernie Hunhoff, Yankton |
| 21 | | Nick G. Moser, Yankton |
| 22 | District No. 19 | Bon Homme, Douglas, Hutchinson and Turner Counties |
| 23 | | Frank J. Kloucek, Scotland |
| 24 | | Edward E. Van Gerpen, Avon |
| 25 | District No. 20 | Aurora and Davison Counties |
| 26 | | Lance Carson, Mitchell |
| 27 | | Tona Rozum, Mitchell |
| 28 | District No. 21 | Brule, Buffalo, Charles Mix, Jones and Lyman Counties |
| 29 | | James Schaefer, Kennebec |
| 30 | District No. 22 | Beadle, Hand and Jerauld Counties |
| 31 | | Peggy Gibson, Huron |
| 32 | | Jim White, Huron |
| 33 | District No. 23 | Campbell, Edmunds, Faulk, Hyde, McPherson, Potter and Walworth |
| 34 | | Counties |
| 35 | | Justin R. Cronin, Gettysburg |
| 36 | | Charles B. Hoffman, Eurkea |

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- 1 District No. 24 Hughes, Stanley and Sully Counties
2 Mark E. Venner, Pierre
3 Tad Perry, Ft. Pierre
- 4 District No. 25 Hanson, McCook and Minnehaha Counties
5 Stace Nelson, Fulton
6 Jon Hansen, Dell Rapids
- 7 District No. 26A Mellette and Todd Counties
8 Larry J. Lucas, Mission
- 9 District No. 26B Gregory and Tripp Counties
10 Kim Vanneman, Ideal
- 11 District No. 27 Bennett, Haakon, Jackson and Shannon Counties
12 Kevin Killer, Pine Ridge
13 Ed Iron Cloud III, Porcupine
- 14 District No. 28A Corson, Dewey and Ziebach Counties
15 Dean Schrempp, Lantry
- 16 District No. 28B Butte, Corson, Harding, Meade and Perkins Counties
17 Betty Olson, Prairie City
- 18 District No. 29 Butte and Meade Counties
19 Thomas J. Brunner, Nisland
20 Dean Wink, Howes
- 21 District No. 30 Custer, Fall River and Pennington Counties
22 Mike Verchio, Hill City
23 Lance S. Russell, Hot Springs
- 24 District No. 31 Lawrence County
25 Charles M. Turbiville, Deadwood
26 Fred W. Romkema, Spearfish
- 27 District No. 32 Pennington County
28 Brian Gosch, Rapid City
29 Kristin Conzet, Rapid City
- 30 District No. 33 Meade and Pennington Counties
31 Jacqueline Sly, Rapid City
32 Phil Jensen, Rapid City
- 33 District No. 34 Pennington County
34 David Lust, Rapid City
35 Dan Dryden, Rapid City

1 District No. 35 Pennington County
2 Mark Kirkeby, Rapid City
3 Don "Pete" Kopp, Rapid City

4 I further certify that the following has been duly appointed by the Honorable Dennis
5 Daugaard Governor of the State of South Dakota.

6 District No. 21 Brule, Buffalo, Charles Mix, Jones and Lyman Counties
7 Dave Scott, Geddes, appointed November 28, 2011, to fill the unexpired term
8 of Kent Juhnke, Vivian, who was appointed to the Senate.

9 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of
10 the state of South Dakota, this 10th day of January, 2012.

11 (SEAL)
12

Jason M. Gant
Secretary of State

13 The oath of office was administered by the Honorable David Gilbertson, Chief Justice of
14 the Supreme Court of the state of South Dakota to the following appointed Representative:

15 David Scott

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

17 When the roll was called, all members were present except Reps. Iron Cloud III, Killer, and
18 Steele who were excused.

19 **MOTIONS AND RESOLUTIONS**

20 Rep. Lust moved that the House proceed with the election of officers of the House of
21 Representatives.

22 Which motion prevailed.

23 The presiding officer announced that nominations for Speaker of the House of
24 Representatives were now in order.

25 Rep. Lust nominated Rep. Rausch as Speaker of the House of Representatives.

26 And the roll being called:

27 Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

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

9 Excused:

10 Iron Cloud III; Killer; Steele

11 Rep. Rausch having received an affirmative vote of a majority of the members-elect, was
12 declared to be the duly elected Speaker of the House of Representatives.

13 Reps. Lust, Hunhoff, Gosch, Cronin, Lucas, and Boomgarden were appointed to escort
14 Rep. Rausch to the rostrum.

15 The oath of office was administered to Rep. Rausch, Speaker of the House of
16 Representatives, by the Honorable David Gilbertson, Chief Justice of the Supreme Court of the
17 state of South Dakota.

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

19 Jason Gant, Secretary of State, turned the gavel over to Speaker Rausch.

20 Speaker Rausch now presiding.

21 The Speaker announced that nominations for Speaker Pro tempore of the House of
22 Representatives were now in order.

23 Rep. Cronin nominated Rep. Gosch as Speaker Pro tempore.

24 And the roll being called:

25 Yeas 67, Nays 0, Excused 3, Absent 0

26 Yeas:

27 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
28 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
29 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Kirkeby;
30 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
31 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
32 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
33 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1 Excused:
2 Iron Cloud III; Killer; Steele

3 Rep. Gosch having received an affirmative vote of a majority of the members-elect, was
4 declared to be the duly elected Speaker Pro tempore of the House of Representatives.

5 Reps. Cronin, Fargen, Novstrup, Bolin, and Hoffman were appointed to escort Rep. Gosch
6 to the rostrum.

7 The oath of office was administered to Rep. Gosch, Speaker Pro tempore of the House of
8 Representatives, by the Honorable David Gilbertson, Chief Justice of the Supreme Court of the
9 state of South Dakota.

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

11 The Speaker announced that nominations for Chief Clerk of the House of Representatives
12 were now in order.

13 Rep. Lust nominated Ms. Karen Gerdes as Chief Clerk of the House of Representatives.

14 And the roll being called:

15 Yeas 65, Nays 0, Excused 5, Absent 0

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

24 Excused:
25 Abdallah; Iron Cloud III; Killer; Steele; Tornow

26 Ms. Gerdes having received an affirmative vote of a majority of the members-elect, was
27 declared duly elected.

28 The oath of office was administered to Ms. Gerdes by the Honorable David Gilbertson,
29 Chief Justice of the Supreme Court of the state of South Dakota.

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

1 Speaker Rausch announced the appointment of the following employees of the House of
2 Representatives for the Eighty-seventh Legislative Session:

3 First Assistant to the Chief Clerk -- Arlene Kvislen

4 Second Assistant to the Chief Clerk -- Carolyn Perry

5 Third Assistant to the Chief Clerk -- Jan Lester

6 Chief Chaplain -- Daniel Varns

7 Sergeant at Arms -- Melvin Chandler

8 Assistant Sergeant at Arms -- Gary Hoscheid, James Smith

9 Secretary to the Speaker -- Diane Mellan

10 Secretary to the Majority Leader -- Joshua Klumb

11 Secretary to the Minority Leader -- Ann Eichinger

12 Committee Secretaries -- Jeanette Black, Grace Curtis, Bonnie Fischer

13 Pages (1st Term) -- Kyle Cosman, Anna Cronin, Larissa Friesen, Anthony Gosch, Leah
14 Herman, Preston Liedtke, Matthew Mielke, Samantha Neumann, Brandon Pennock,
15 Meredith Powers, Danae Schaefer, Andie Shuck, Timothy Sternhagen

16 Pages (2nd Term) -- Kyle Anderson, Elliot Brunner, Nathan Burkhalter, Courtney
17 Chastain, Brittany Cihak, Mackenzie Foss, Morgan Hemmingson, Melissa Hessman,
18 Ashley Heupel, Lexi Jones, Elena Leitheiser, Tony Lyren, Elizabeth Magstadt, Alexa
19 Moeller, Cassidy Trapp, Sandra Yoon

20 Pages (3rd Term) -- Katherine Hickey, Rachel Howard, Jordyn Jones, Jessica Lentz,
21 Katrinia Martinez, Lana Nelson, Rebekah Nelson, Michaela Oleson, Chelsea Olson, Baily
22 Ringgenberg, Tabitha Siemens, Sarah Tow, Andrew Weber, Erin Willadsen, Emily
23 Zietlow, Henry Zietlow

24 Pages (4th Term) -- Kaitlin Buchholz, Emily Carr, Brittany Cleveland, Vanessa Cortes,
25 Drew Dennert, Adam Eichten, Megan Foster, Makenzie Hageman, Allison Hosman, Ronni
26 Kenyon, Ruth Latterell, Jordan Rohrbach, Nicole Romeyn, Casey Shippy, James Updike,
27 Hannah Zylstra

28 Legislative Interns -- Joseph Bliss, Anthony Bock, Sadie Hansen, John Jarding, Jason
29 Long, Justin Mitchell, Brigette Nemecek, Katelyn Pietz, Rebecca Reiter, Brian Roehrich,
30 Tyler Smit, Shealon Wessel, Cala Westergard.

1 The oath of office was administered by the Honorable David Gilbertson, Chief Justice of
2 the Supreme Court of the state of South Dakota, to the following named employees:

3 First Assistant to the Chief Clerk -- Arlene Kvislen

4 Second Assistant to the Chief Clerk -- Carolyn Perry

5 Third Assistant to the Chief Clerk -- Jan Lester

6 Sergeant at Arms -- Melvin Chandler

7 Assistant Sergeant at Arms -- Gary Hoscheid

8 Secretary to the Speaker -- Diane Mellan

9 Secretary to the Majority Leader -- Joshua Klumb

10 Secretary to the Minority Leader -- Ann Eichinger

11 Committee Secretaries -- Jeanette Black, Grace Curtis, Bonnie Fischer

12 Pages (1st Term) -- Kyle Cosman, Anna Cronin, Larissa Friesen, Anthony Gosch, Leah
13 Herman, Preston Liedtke, Matthew Mielke, Samantha Neumann, Brandon Pennock,
14 Meredith Powers, Danae Schaefer, Andie Shuck, Timothy Sternhagen.

15 Legislative Interns -- Joseph Bliss, Anthony Bock, Sadie Hansen, John Jarding, Jason
16 Long, Justin Mitchell, Brigette Nemecek, Katelyn Pietz, Rebecca Reiter, Brian Roehrich,
17 Tyler Smit, Cala Westergard.

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

19 Rep. Lust moved that the permanent House rules and the permanent joint rules of the
20 Eighty-sixth Legislative Session be adopted as the temporary House rules and the temporary
21 joint rules for the Eighty-seventh Legislative Session.

22 The question being on Rep. Lust's motion that the permanent House rules and the
23 permanent joint rules of the Eighty-sixth Legislative Session be adopted as the temporary House
24 rules and the temporary joint rules for the Eighty-seventh Legislative Session.

25 And the roll being called:

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

1 Yeas:

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

9 Excused:

10 Abdallah; Iron Cloud III; Killer; Steele

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the motion carried.

13 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
14 with a like committee on the part of the Senate to make arrangements for the Joint Session to
15 hear the message of the Governor, the Honorable Dennis Daugaard.

16 Which motion prevailed and the Speaker appointed as such committee Reps. Gosch,
17 Cronin, and Fargen.

18 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
19 with a like committee on the part of the Senate to notify the Governor that the Legislature is
20 duly organized and ready to meet in Joint Session to receive any communications he may desire
21 to make.

22 Which motion prevailed and the Speaker appointed as such committee Reps. Gosch,
23 Cronin, and Fargen.

24 Rep. Lust moved that a committee of four on the part of the House be appointed to meet
25 with a committee of three on the part of the Senate to make arrangements for the Joint Session
26 to hear the message of the Honorable David Gilbertson, Chief Justice of the Supreme Court of
27 the state of South Dakota.

28 Which motion prevailed and the Speaker appointed as such committee Reps. Lust, Cronin,
29 Hunhoff, and Fargen.

30 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
31 with a like committee on the part of the Senate relative to the joint rules for the two houses for
32 the Eighty-seventh Legislative Session.

33 Which motion prevailed and the Speaker appointed as such committee Reps. Rausch, Lust,
34 and Hunhoff.

1 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
2 with a like committee on the part of the Senate to make arrangements for legislative days for
3 members, officers, and employees of the House and Senate.

4 Which motion prevailed and the Speaker appointed as such committee Reps. Wick, Moser,
5 and Gibson.

6 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
7 with a like committee on the part of the Senate for the purpose of setting the compensation
8 schedule of the elective and appointive officers and employees of the House and Senate for the
9 Eighty-seventh Legislative Session, pursuant to SDCL 2-5-8, with the full power to act, and that
10 such compensation schedule be filed with the Director of the Legislative Research Council and
11 the State Auditor.

12 Which motion prevailed and the Speaker appointed as such committee Reps. Rausch, Lust,
13 and Hunhoff.

14 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
15 with a like committee on the part of the Senate for the purpose of conferring with the Director
16 of the Legislative Research Council in regard to making arrangements for the distribution of the
17 official directory, House and Senate journals and bills, and other legislative printing for the two
18 houses and the state offices, with the full power to act.

19 Which motion prevailed and the Speaker appointed as such committee Reps. Sly, Hoffman,
20 and Blake.

21 Rep. Lust moved that a committee of three on the part of the House be appointed to meet
22 with a like committee on the part of the Senate for the purpose of selecting chaplains for the
23 Eighty-seventh Legislative Session.

24 Which motion prevailed and the Speaker appointed as such committee Reps. Hunt, Moser,
25 and Dennert.

26 Rep. Lust moved that a committee of four on the part of the House be appointed to meet
27 with a committee of three on the part of the Senate to arrange for a memorial recognition of
28 deceased former members of the House and Senate.

29 Which motion prevailed and the Speaker appointed as such committee Reps. Hunt, Moser,
30 Dennert, and Hickey.

1 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
2 Wednesday, January 11, the 2nd legislative day.

3 Which motion prevailed.

4 The Speaker announced the appointment of the following standing committees:

5 **House Standing Committees—87th Session**

6 ****Denotes Chair**

7 ***Denotes Vice-Chair**

8 **AGRICULTURE & NATURAL RESOURCES (13)**

9 ****Vanneman, *Hoffman**, Brunner, Kopp, Olson (Betty), Schaefer, Scott, Van Gerpen,
10 Verchio, Kloucek, Schrempp, Sigdestad, Street

11 **APPROPRIATIONS (9)**

12 ****Wink, *Carson**, Bolin, Deelstra, Dryden, Romkema, White, Dennert, Wismer

13 **COMMERCE & ENERGY (13)**

14 ****Solum, *Conzet**, Greenfield, Hubbel, Jensen, Miller, Novstrup (David), Scott, Willadsen,
15 Fargen, Hawley, Jones, Kirschman

16 **EDUCATION (15)**

17 ****Brunner, *Sly**, Hunt, Miller, Perry, Schaefer, Stricherz, Tulson, Vanneman, Venner, Haggar,
18 Elliott, Jones, Killer, Lucas

19 **GOVERNMENT OPERATIONS & AUDIT (5)**

20 ****Carson, *Dryden**, Turbiville, Vanneman, Dennert

21 **HEALTH & HUMAN SERVICES (13)**

22 ****Boomgarden, *Munsterman**, Hickey, Jensen, Magstadt, Sly, Steele, Stricherz, Haggar,
23 Blake, Hawley, Iron Cloud III, Lucas

24 **JUDICIARY (13)**

25 ****Hunt, *Gosch**, Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell,
26 Tornow, Turbiville, Feinstein, Gibson, Killer

27 **LEGISLATIVE PROCEDURE (7)**

28 ****Rausch, *Gosch**, Cronin, Hunt, Lust, Fargen, Hunhoff (Bernie)

29 **LOCAL GOVERNMENT (13)**

30 ****Kirkeby, *Cronin**, Magstadt, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Tornow,
31 Tulson, Venner, Feickert, Kloucek, Schrempp

32 **RETIREMENT LAWS (5)**

33 ****Steele, *Wick**, Perry, Feinstein, Kirschman

1 **STATE AFFAIRS (13)**

2 ****Lust, *Cronin**, Abdallah, Gosch, Hoffman, Moser, Rausch, Turbiville, Wick, Blake, Fargen,
3 Gibson, Hunhoff (Bernie)

4 **TAXATION (15)**

5 ****Willadsen, *Greenfield**, Conzet, Kirkeby, Liss, Moser, Perry, Rozum, Russell, Solum, Wick,
6 Feickert, Feinstein, Hunhoff (Bernie), Kirschman

7 **TRANSPORTATION (13)**

8 ****Verchio, *Novstrup (David)**, Hansen (Jon), Hickey, Hubbel, Liss, Rozum, Steele, Van
9 Gerpen, Elliott, Iron Cloud III, Sigdestad, Street

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

11 MR. SPEAKER:

12 Your Joint-Select Committee appointed for the purpose of arranging for a Joint Session of
13 the Senate and the House of Representatives to receive the message of the Governor respectfully
14 reports:

15 That the Senate and the House convene in Joint Session in the Chamber of the House of
16 Representatives at 1:00 p.m., January 10, 2012.

17 That the President of the Senate preside over the Joint Session and that the Secretary of the
18 Senate and the Chief Clerk of the House of Representatives act as clerks of the Joint Session.

19 That the Justices of the Supreme Court and the elective and appointed officials of the state
20 government be invited to attend the Joint Session.

21 That when the message of the Governor has been received, the Joint Session be dissolved.

22 That the message of the Governor be printed in the Senate Journal.

23 Respectfully submitted,
24 Brian Gosch
25 Justin Cronin
26 Mitch Fargen
27 House Committee

Respectfully submitted,
Bob Gray
Russell Olson
Jason Frerichs
Senate Committee

28 Rep. Lust moved that the report of the Joint-Select Committee relative to arranging the
29 Joint Session be adopted.

30 Which motion prevailed.

1 Also MR. SPEAKER:

2 Your Joint-Select Committee appointed to notify the Governor that the Legislature is duly
3 organized and ready to meet in Joint Session to receive any communications he may desire to
4 transmit respectfully reports that the Governor is ready to appear before the Joint Session to
5 deliver his message.

6 Respectfully submitted,	Respectfully submitted,
7 Brian Gosch	Bob Gray
8 Justin Cronin	Russell Olson
9 Mitch Fargen	Jason Frerichs
10 House Committee	Senate Committee

11 Rep. Lust moved that the report of the Joint-Select Committee relative to notifying the
12 Governor that the Legislature is duly organized and ready to meet in Joint Session be adopted.

13 Which motion prevailed.

14 Also MR. SPEAKER:

15 Your Joint-Select Committee appointed for the purpose of arranging for a Joint Session of
16 the Senate and the House of Representatives to receive a message of the Chief Justice of the
17 Supreme Court respectfully reports:

18 That the Senate and the House convene in Joint Session in the Chamber of the House of
19 Representatives at 1:30 p.m., January 11, 2012.

20 That the President of the Senate preside over the Joint Session and that the Secretary of the
21 Senate and the Chief Clerk of the House of Representatives act as clerks of the Joint Session.

22 That the Justices of the Supreme Court, the Governor and elective and appointed officials
23 of the state government be invited to attend the Joint Session.

24 That when the message of the Chief Justice has been received, the Joint Session be
25 dissolved.

26 That the message of the Chief Justice be printed in the Senate Journal.

27 Respectfully submitted,	Respectfully submitted,
28 David Lust	Bob Gray
29 Justin Cronin	Russell Olson
30 Bernie Hunhoff	Jason Frerichs
31 Mitch Fargen	Senate Committee
32 House Committee	

1 Rep. Lust moved that the report of the Joint-Select Committee relative to arranging for a
2 Joint Session be adopted.

3 Which motion prevailed.

4 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

5 HB 1001 Introduced by: Representatives Turbiville, Conzet, Hunhoff (Bernie), Jones,
6 Vanneman, Verchio, Willadsen, and Wink and Senators Tidemann, Hansen (Tom), Hundstad,
7 Nelson (Tom), Novstrup (Al), Putnam, and Rampelberg at the request of the Interim Sales Tax
8 Review Committee

9 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sales and use
10 tax.

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

12 HB 1002 Introduced by: Representatives Willadsen, Hunhoff (Bernie), Jones, Turbiville,
13 Vanneman, and Wink and Senators Tidemann and Hundstad at the request of the Interim Sales
14 Tax Review Committee

15 FOR AN ACT ENTITLED, An Act to repeal the sales and use tax exemption for coins,
16 currency, and bullion.

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

18 HB 1003 Introduced by: Representatives Dennert, Cronin, Schaefer, and Street and
19 Senators Rhoden, Frerichs, and Sutton at the request of the Agricultural Land Assessment
20 Implementation and Oversight Advisory Task Force

21 FOR AN ACT ENTITLED, An Act to revise the limitation on the increases and decreases
22 that may be made to the total taxable value of cropland and noncropland.

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

25 HB 1004 Introduced by: Representatives Kloucek, Hubbel, Hunhoff (Bernie), Kirschman,
26 Lucas, Nelson (Stace), Russell, Sigdestad, and Stricherz and Senators Putnam, Bradford,
27 Frerichs, Hundstad, and Sutton

28 FOR AN ACT ENTITLED, An Act to reduce the term allowed for covenants not to
29 compete.

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

2 HB 1005 Introduced by: The Committee on Education at the request of the Department of
3 Education

4 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the excuse from
5 attendance of children receiving alternative instruction.

6 Was read the first time and referred to the Committee on Education.

7 HB 1006 Introduced by: The Committee on Education at the request of the Department of
8 Education

9 FOR AN ACT ENTITLED, An Act to revise certain outdated and obsolete provisions
10 regarding the Department of Education.

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

12 HB 1007 Introduced by: The Committee on Education at the request of the Department of
13 Education

14 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete statutes
15 regarding the Department of Education.

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

17 HB 1008 Introduced by: The Committee on Local Government at the request of the State
18 Board of Elections

19 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the grounds for
20 challenges for people making application for ballots during an election.

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

22 HB 1009 Introduced by: The Committee on Health and Human Services at the request of
23 the Board of Pharmacy

24 FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to licenses issued
25 by the Board of Pharmacy.

26 Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1010 Introduced by: The Committee on Health and Human Services at the request of
2 the Department of Health

3 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete statutes and
4 rules related to the Department of Health.

5 Was read the first time and referred to the Committee on Health and Human Services.

6 HB 1011 Introduced by: The Committee on Agriculture and Natural Resources at the
7 request of the Department of Environment and Natural Resources

8 FOR AN ACT ENTITLED, An Act to revise the definition of domestic use of water.

9 Was read the first time and referred to the Committee on Agriculture and Natural
10 Resources.

11 HB 1012 Introduced by: The Committee on Agriculture and Natural Resources at the
12 request of the Department of Environment and Natural Resources

13 FOR AN ACT ENTITLED, An Act to require public hearings for applications for oil and
14 gas orders only if contested and to reduce the number of hearing notice publications required
15 for oil and gas cases.

16 Was read the first time and referred to the Committee on Agriculture and Natural
17 Resources.

18 HB 1013 Introduced by: The Committee on Agriculture and Natural Resources at the
19 request of the Department of Environment and Natural Resources

20 FOR AN ACT ENTITLED, An Act to repeal certain obsolete statutes regarding the
21 Department of Environment and Natural Resources.

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

24 HB 1014 Introduced by: The Committee on Judiciary at the request of the Governor's
25 Office of Economic Development

26 FOR AN ACT ENTITLED, An Act to prohibit false statements on applications for certain
27 loans, grants, or other financial assistance and to provide a penalty therefor.

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

1 HB 1015 Introduced by: Representatives Kopp, Jensen, Nelson (Stace), Olson (Betty),
2 Russell, and Venner and Senator Begalka

3 FOR AN ACT ENTITLED, An Act to provide for exceptions from certain misdemeanor
4 offenses relating to possession of handguns.

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

6 HB 1016 Introduced by: The Committee on State Affairs at the request of the Bureau of
7 Administration

8 FOR AN ACT ENTITLED, An Act to repeal certain rules relating to use of the centennial
9 logo.

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

11 HB 1017 Introduced by: The Committee on Appropriations at the request of the Bureau of
12 Administration

13 FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration to construct
14 a maintenance shop in Pierre, to make an appropriation therefor, and to declare an emergency.

15 Was read the first time and referred to the Committee on Appropriations.

16 HB 1018 Introduced by: The Committee on Agriculture and Natural Resources at the
17 request of the Department of Game, Fish and Parks

18 FOR AN ACT ENTITLED, An Act to repeal certain obsolete or unnecessary provisions
19 pertaining to the Department of Game, Fish and Parks.

20 Was read the first time and referred to the Committee on Agriculture and Natural
21 Resources.

22 HB 1019 Introduced by: The Committee on Transportation at the request of the Department
23 of Game, Fish and Parks

24 FOR AN ACT ENTITLED, An Act to revise the license fee for snowmobiles and to revise
25 the period of such license.

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

1 HB 1020 Introduced by: The Committee on State Affairs at the request of the Department
2 of Game, Fish and Parks

3 FOR AN ACT ENTITLED, An Act to authorize the Department of Game, Fish and Parks
4 to sell the Marcotte Tract located within the Marcotte Game Production Area in Meade County
5 to the City of Sturgis.

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

7 HB 1021 Introduced by: The Committee on Judiciary at the request of the Department of
8 Corrections

9 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the rights of
10 victims of crime.

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

12 HB 1022 Introduced by: The Committee on Judiciary at the request of the Department of
13 Corrections

14 FOR AN ACT ENTITLED, An Act to revise certain parole hearing provisions regarding
15 inmate compliance, waivers, and teleconferencing.

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

17 HB 1023 Introduced by: The Committee on Judiciary at the request of the Department of
18 Corrections

19 FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions relating to the
20 Department of Corrections.

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

22 HB 1024 Introduced by: The Committee on State Affairs at the request of the Department
23 of Corrections

24 FOR AN ACT ENTITLED, An Act to repeal the authorization to sell certain surplus real
25 estate under the control of the Department of Corrections in Aurora County and Minnehaha
26 County.

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

1 HB 1025 Introduced by: The Committee on Judiciary at the request of the Department of
2 Corrections

3 FOR AN ACT ENTITLED, An Act to make aggravated incest a violent crime for purposes
4 of setting an initial parole date.

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

6 HB 1026 Introduced by: The Committee on Health and Human Services at the request of
7 the Department of Social Services

8 FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary statutes
9 related to the Department of Social Services.

10 Was read the first time and referred to the Committee on Health and Human Services.

11 HB 1027 Introduced by: The Committee on Health and Human Services at the request of
12 the Department of Social Services

13 FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary statutes
14 related to the Division of Behavioral Health within the Department of Social Services.

15 Was read the first time and referred to the Committee on Health and Human Services.

16 HB 1028 Introduced by: The Committee on State Affairs at the request of the Bureau of
17 Personnel

18 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state employees
19 and to the administration of state personnel matters.

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

21 HB 1029 Introduced by: The Committee on Taxation at the request of the Department of
22 Revenue

23 FOR AN ACT ENTITLED, An Act to authorize the publication of the names of certain
24 delinquent taxpayers.

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

1 HB 1030 Introduced by: The Committee on Appropriations at the request of the
2 Department of Revenue

3 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the effective date
4 of certain tax collection allowances.

5 Was read the first time and referred to the Committee on Appropriations.

6 HB 1031 Introduced by: The Committee on Transportation at the request of the Department
7 of Revenue

8 FOR AN ACT ENTITLED, An Act to establish a license fee and a renewal fee for carriers
9 licensing under the International Fuel Tax Agreement, to establish a decal fee and a mailing fee,
10 and to provide for the disposition of the fees.

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

12 HB 1032 Introduced by: The Committee on Transportation at the request of the Department
13 of Revenue

14 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the temporary
15 permit for a specialty license plate with an organization or first responder decal.

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

17 HB 1033 Introduced by: The Committee on Commerce and Energy at the request of the
18 Department of Labor and Regulation

19 FOR AN ACT ENTITLED, An Act to clarify certain requirements relating to insurance
20 examinations.

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

22 HB 1034 Introduced by: The Committee on Commerce and Energy at the request of the
23 Department of Labor and Regulation

24 FOR AN ACT ENTITLED, An Act to revise the circumstances under which alterations
25 may be made to certain insurance applications.

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

1 HB 1035 Introduced by: The Committee on Commerce and Energy at the request of the
2 Department of Labor and Regulation

3 FOR AN ACT ENTITLED, An Act to allow the disclosure of the status of certain
4 insurance investigations and examinations.

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

6 HB 1036 Introduced by: The Committee on Agriculture and Natural Resources at the
7 request of the Public Utilities Commission

8 FOR AN ACT ENTITLED, An Act to establish and revise certain provisions and penalties
9 related to the regulation of grain warehouses, grain buyers, and warehouse receipts.

10 Was read the first time and referred to the Committee on Agriculture and Natural
11 Resources.

12 HB 1037 Introduced by: The Committee on Agriculture and Natural Resources at the
13 request of the Department of Agriculture

14 FOR AN ACT ENTITLED, An Act to revise the purpose of the agriculture mediation
15 program.

16 Was read the first time and referred to the Committee on Agriculture and Natural
17 Resources.

18 HB 1038 Introduced by: The Committee on Agriculture and Natural Resources at the
19 request of the Department of Agriculture

20 FOR AN ACT ENTITLED, An Act to increase the penalty for leaving the brand inspection
21 area without necessary inspection and authorization.

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

24 HB 1039 Introduced by: The Committee on Judiciary at the request of the Department of
25 Public Safety

26 FOR AN ACT ENTITLED, An Act to exempt certain impaired driving violations from the
27 statutory limitation on enhanced penalties for second, third, or subsequent violations.

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

1 HB 1040 Introduced by: The Committee on Appropriations at the request of the Bureau of
2 Finance and Management

3 FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of
4 extraordinary litigation expenses and to declare an emergency.

5 Was read the first time and referred to the Committee on Appropriations.

6 HB 1041 Introduced by: The Committee on Appropriations at the request of the Bureau of
7 Finance and Management

8 FOR AN ACT ENTITLED, An Act to authorize the carryover of the state aid to special
9 education appropriation in order to meet federal maintenance of effort levels.

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

11 HB 1042 Introduced by: The Committee on Appropriations at the request of the Bureau of
12 Finance and Management

13 FOR AN ACT ENTITLED, An Act to repeal certain obsolete statutes relating to the State
14 Cement Plant Commission.

15 Was read the first time and referred to the Committee on Appropriations.

16 HB 1043 Introduced by: The Committee on Appropriations at the request of the Bureau of
17 Finance and Management

18 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the full-time
19 equivalent staffing report.

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

21 HB 1044 Introduced by: The Committee on Appropriations at the request of the Bureau of
22 Finance and Management

23 FOR AN ACT ENTITLED, An Act to repeal certain statutes relating to the Bureau of
24 Intergovernmental Relations.

25 Was read the first time and referred to the Committee on Appropriations.

1 HB 1045 Introduced by: The Committee on Judiciary at the request of the Department of
2 Labor and Regulation

3 FOR AN ACT ENTITLED, An Act to revise various trust provisions.

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

5 HB 1046 Introduced by: The Committee on Judiciary at the request of the Department of
6 the Military

7 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding child custody
8 during a soldier's deployment.

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

10 HB 1047 Introduced by: The Committee on Judiciary at the request of the Department of
11 the Military

12 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to military law.

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

14 HB 1048 Introduced by: The Committee on State Affairs at the request of the Department
15 of the Military

16 FOR AN ACT ENTITLED, An Act to expand the Board of Military Affairs.

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

18 HB 1049 Introduced by: The Committee on Judiciary at the request of the Department of
19 the Military

20 FOR AN ACT ENTITLED, An Act to add certain definitions regarding the Department
21 of the Military.

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

23 HB 1050 Introduced by: The Committee on Judiciary at the request of the Department of
24 the Military

25 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding National Guard
26 discipline and courts-martial.

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

2 HB 1051 Introduced by: The Committee on Appropriations at the request of the Board of
3 Regents

4 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority and
5 the Board of Regents to implement the long-term capital project request of the Board of Regents
6 providing for the demolition, construction, remodeling, or renovation of various structures on
7 the campuses of the state's universities and to make appropriations therefor.

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

9 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
10 1:01 p.m. the House adjourned.

11 Karen Gerdes, Chief Clerk

12 **JOINT SESSION**

13 Pursuant to the report of the Joint-Select Committee, the Senate convened with the House
14 of Representatives in the House Chamber for the purpose of receiving a message from the
15 Governor, Dennis Daugaard. The President of the Senate, Matt Michels, presided.

16 The following prayer was delivered by Deacon Peter Mehlhaff, St. Mary's Catholic
17 Church, Aberdeen, South Dakota:

18 Let us pray:

19 Almighty and eternal God, You have revealed Your glory to all nations. God of power and
20 might, God of wisdom and justice, through You authority is rightly administered, laws are
21 enacted and judgment is decreed.

22 Assist with Your spirit of counsel and fortitude the Governor of South Dakota, that his
23 administration may be conducted in righteousness and be eminently useful to Your people over
24 whom he presides. May he execute the laws with justice and mercy.

25 Let the light of Your divine wisdom direct the deliberations of this legislature and shine
26 forth in all the proceedings and laws framed for our rule and government. May these faithful
27 legislators seek to preserve peace, promote happiness, and continue to bring us the blessings of
28 liberty, morality and equality.

29 We pray for our judges, elected civil officials and all others who are entrusted to guard our
30 political welfare. May they be enabled by Your powerful protection to discharge their duties
31 with honesty and ability.

1 We likewise commend to Your mercy all citizens of South Dakota, that we may be blessed
2 in the knowledge and sanctified in the observance of Your holy law. May we all be preserved
3 in union and share in the peace that comes from You. And after enjoying the blessings of this
4 life, may we be admitted to eternal life with You.

5 We pray to You, Lord and God, for ever and ever. Amen.

6 The Secretary of the Senate, Fee Jacobsen, called the roll of the Senate and the following
7 members were present:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen, Tom;
9 Haverly; Heineman; Holien; Hundstad; Hunhoff, Jean; Johnston; Juhnke; Kraus; Krebs;
10 Lederman; Maher; Nelson, Tom; Novstrup, Al; Olson, Russell; Peters; Putnam; Rampelberg;
11 Rave; Schlekeway; Sutton; Tidemann; Tieszen; Vehle.

12 The Chief Clerk of the House of Representatives, Karen Gerdes, called the roll of the
13 House and the following members were present:

14 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
15 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar, Hansen, Jon;
16 Hawley; Hickey; Hoffman; Hubbel; Hunhoff, Bernie; Hunt; Jensen; Jones; Kirkeby; Kirschman;
17 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson, Stace;
18 Novstrup, David; Olson, Betty; Perry, Romkema; Rozum; Russell; Schaefer; Schrempp, Scott;
19 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman;
20 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch.

21 Sen. Russell Olson moved that a committee of three on the part of the Senate and a
22 committee of four on the part of the House be appointed to escort the Honorable Dennis
23 Daugaard, Governor of the State of South Dakota, to the rostrum.

24 Which motion prevailed and the President appointed as such committee Sens. Gray,
25 Olson, and Frerichs on the part of the Senate and Reps. Lust, Cronin, Hunhoff, and Fargen on
26 the part of the House.

27 The Sergeant at Arms announced the arrival of the Honorable Dennis Daugaard, who was
28 escorted to the rostrum.

29 The Lieutenant Governor, Matt Michels, introduced the Honorable Dennis Daugaard, who
30 delivered the State of the State Address.

31 Sen. Olson moved that the Joint Session do now dissolve.

32 Which motion prevailed.