

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, January 13, 2012

The House convened at 12:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Don Block, followed by the Pledge of Allegiance led by House page Leah Herman.

Roll Call: All members present except Reps. Boomgarden, Iron Cloud III, Killer, Miller, Moser, Romkema, Schrempp, Steele, Stricherz and Van Gerpen 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 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

CHAPTER 17. LEGISLATIVE DEADLINES

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Legislative Deadlines		
Legislative Action	40 Day Session	33 Day Session
Final day for introduction of individual bills and joint resolutions	15 th Day	10 th Day
Final day for introduction of committee bills and joint resolutions*	16 th Day	11 th Day
Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 th Day	19 th Day
Last day to move required delivery of bills or resolutions by a committee to the house of origin*	27 th Day	20 th Day
Last day to pass bills or joint resolutions by the house of origin*	28 th Day	21 st Day
Final day for introduction of concurrent resolutions	28 th day	26 th Day
During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 th Day on	27 th Day on
Last day to move required delivery of bills or resolutions by a committee to the second house*	35 th Day	28 th Day
Last day for a bill or joint resolution to pass both houses*	36 th Day	29 th Day
Two days preceding the final two days of a legislative session shall be reserved for concurrences or action upon conference committee reports	37 th Day 38 th Day	30 th Day 31 st Day
The final day of a legislative session is reserved for the consideration of vetoes	40 th Day	33 rd Day
* This deadline does not apply to the general appropriations bill.		

28

29

30

31

17-1. Calendar less than 40 days. If a Session Calendar is adopted for a period of thirty-six (36) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in Chapter 17 of the Joint Rules for a thirty-five (35) day session shall be increased by the same number of days by which the length of the adopted calendar exceeds thirty-five (35) days.

32

33

The joint rules and the rules of the Senate and House shall be printed in the House Journal.

34

35

36

37

38

Respectfully submitted,
Val Rausch
David Lust
Bernie Hunhoff
House Committee

Respectfully submitted,
Bob Gray
Russell Olson
Jason Frerichs
Senate Committee

1

MESSAGES FROM THE SENATE

2 MR. SPEAKER:

3 I have the honor to inform your honorable body that the Senate has adopted the report of
4 the Joint-Select Committee relative to setting the compensation schedule for the elective and
5 appointive officers and employees of the Senate and House for the Eighty-seventh Legislative
6 Session.

7 Also MR. SPEAKER:

8 I have the honor to inform your honorable body that the Senate has adopted the report of
9 the Joint-Select Committee relative to arranging for legislative days for members, officers, and
10 employees of the House and Senate.

11 Also MR. SPEAKER:

12 I have the honor to inform your honorable body that the Senate has adopted the report of
13 the Joint-Select Committee relative to making arrangements for the distribution of the official
14 directory, Senate and House journals, and bills and other legislative printing for the two houses
15 and the state offices.

16 Also MR. SPEAKER:

17 I have the honor to inform your honorable body that the Senate has adopted the report of
18 the Joint-Select Committee relative to securing chaplains for the Eighty-seventh Legislative
19 Session.

20 Also MR. SPEAKER:

21 I have the honor to inform your honorable body that the Senate has adopted the report of
22 the Joint-Select Committee relative to making arrangements for a memorial recognition of
23 deceased former members of the House and Senate.

24

25

Respectfully submitted,
Fee Jacobsen, Secretary

1

MOTIONS AND RESOLUTIONS

2 Rep. Lust moved to amend the 2012 Session Calendar by moving Legislative Day 5 to
3 Thursday, January 19, 2012; Legislative Day 32 to Friday, March 2, 2012; Legislative Day 33
4 to March 19, 2012, eliminating Legislative Days 34 and 35 and adjusting the remaining
5 Calendar appropriately.

6 Which motion prevailed.

7

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

8 HB 1053 Introduced by: Representatives Stricherz, Bolin, Conzet, Deelstra, Elliott, Gosch,
9 Hawley, Hickey, Hoffman, Lust, Magstadt, Miller, Munsterman, Rausch, Romkema, and Wick
10 and Senators Cutler, Begalka, Olson (Russell), and Rhoden

11 FOR AN ACT ENTITLED, An Act to establish the hope card program relating to
12 protection orders.

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

14 HB 1054 Introduced by: Representatives Gosch, Abdallah, Feinstein, Hunt, Lust, and
15 Rausch and Senators Cutler, Gray, and Tieszen

16 FOR AN ACT ENTITLED, An Act to amend certain provisions concerning Worker's
17 Compensation.

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

19 HB 1055 Introduced by: Representatives Gosch, Abdallah, Feinstein, Hunt, Lust, Rausch,
20 and Turbiville and Senators Cutler, Gray, Olson (Russell), Tieszen, and Vehle

21 FOR AN ACT ENTITLED, An Act to allow for joint physical custody orders after a court
22 awards joint legal custody if in the best interest of the child.

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

24 HB 1056 Introduced by: Representatives Lust, Abdallah, Feinstein, Gosch, Hunt, and
25 Rausch and Senators Cutler, Gray, and Tieszen

26 FOR AN ACT ENTITLED, An Act to revise certain provisions of the South Dakota
27 Business Corporations Act regarding the issuance of shares and cumulative voting for directors.

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

1 HB 1057 Introduced by: Representatives Verchio, Brunner, Elliott, Hubbel, Nelson (Stace),
2 Olson (Betty), Russell, Sigdestad, Tulson, and Venner and Senators Rhoden and Maher

3 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the manner in
4 which county wheel taxes are imposed.

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

6 HB 1058 Introduced by: The Committee on State Affairs at the request of the Chief Justice

7 FOR AN ACT ENTITLED, An Act to revise certain record search fees charged by clerks
8 of court.

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

10 HB 1059 Introduced by: Representatives Lust, Feinstein, and Gosch and Senators Nygaard
11 and Cutler

12 FOR AN ACT ENTITLED, An Act to revise Article 9 of the Uniform Commercial Code.

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

14 HJR 1001 Introduced by: Representatives Lust, Abdallah, Feinstein, Gosch, Hunt, and
15 Rausch and Senators Cutler, Gray, and Tieszen

16 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
17 election an amendment to Article XVII of the Constitution of the State of South Dakota, relating
18 to corporations.

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

20 **COMMEMORATIONS**

21 HC 1003 Introduced by: Representatives Kloucek, Bolin, Cronin, Elliott, Fargen, Feickert,
22 Feinstein, Gibson, Hansen (Jon), Hawley, Hickey, Hunt, Jones, Kirschman, Lucas, Magstadt,
23 Moser, Olson (Betty), Rozum, Sigdestad, Sly, Street, Stricherz, Turbiville, Van Gerpen, and
24 Wismer and Senators Putnam, Begalka, Cutler, Frerichs, Hunhoff (Jean), Lederman, Maher,
25 Novstrup (Al), Nygaard, Rampelberg, Rhoden, and Tieszen

26 A LEGISLATIVE COMMEMORATION, Commending and honoring the community of
27 Delmont on its one hundred twenty-fifth birthday.

28 WHEREAS, on February 27, 2011, the community of Delmont began its year of celebrating
29 its one hundred twenty-fifth birthday with the Delmont Fireman's Sausage Supper February 27,
30 2011; and on September 10 and 11, 2011, the community of Delmont celebrated its German

1 Heritage with a Kuchen Festival and Old-Time Harvest Festival; and on December 31, 2011,
2 the community of Delmont ended its year of celebration with a New Year's Eve parade and a
3 Simply South Dakota Tasting Event; and

4 WHEREAS, the community organizations responsible for the various events were the 125th
5 Anniversary committee, headed by Dick and Earla Strid, Glennis Stern, Alan Villmow, Jane
6 Baier, Scott Andersh, Lexine Goehring, Nola Redd, Londa Fink, Andra Semmler, Mike
7 Williams, Shirley Weisser, Russ and Barb Dozark, Arlo Bueber, Dale Bitterman, Vernon Kraft;
8 the Delmont Volunteer Fire Department, Elmer Goehring, chief, Kevin Beehler, 1st assistant,
9 Darren Fechner, 2nd assistant, Ray Anderson, secretary, Dwight Brenner, treasurer, Adam Brock,
10 equipment manager, Mike Redd, Todd Gross, Devin Loneman, Corey Whitney, Tom Goehring,
11 Russ Dozark, J.J. Kokes, Joel Baier, Kevin Hanten, Duane Wagner, Scott Clites, Rob Hotchkiss,
12 Niel Anderson, Gary Roth; The Historical Society of Delmont, headed by Earla Strid, president,
13 Dick Strid, Sam Grosz, Ray and Phyllis Dewald; the Twin Rivers Old Iron Association, headed
14 by Glennis Stern, president, Rolyn Erck, George Sandhoff, Dale Bitterman, Joel Baier, Mike
15 Fechner, Brian Weisser, Harold Bietz, Tammy Weisser, Donna Erck, Norma Bietz, Lila Fechner
16 and Deb Stern; Delmont Community Club, Shirley Weisser, president; Delmont Non-Profit
17 Development Corporation, Elizabeth "Sam" Grosz, Earla Strid, Dick Strid, Scott Clites,
18 Glendine Heinert, and Shirley Weisser; Tyndall Bakery, Ed and Carol Radack owners and
19 Kuchen bakers.

20 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
21 the State of South Dakota, that the community of Delmont, the surrounding community
22 members, and descendants near and far be congratulated for its successful year of celebrating
23 the one hundred twenty-fifth birthday of the community of Delmont; and

24 BE IT FURTHER COMMEMORATED that we salute Delmont for all of its annual events
25 and the great effort it makes as an example of small town tourism at its finest.

26 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
27 12:49 p.m. the House adjourned.

28

Karen Gerdes, Chief Clerk