

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 19, 2012

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

The prayer was offered by the Chaplain, Pastor Howard Grinager, followed by the Pledge of Allegiance led by House pages Kyle Cossman, Samantha Neumann, Meredith Powers, and Danae Schaefer.

Roll Call: All members present except Reps. Elliott, Feickert, Feinstein, Iron Cloud III, Killer, and Steele 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 fourth 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 The oath of office was administered by Speaker Rausch to the following employees:

2 Chief Chaplain -- Daniel Varns

3 Assistant Sergeant at Arms -- James Smith.

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

5 **REPORTS OF STANDING COMMITTEES**

6 MR. SPEAKER:

7 The Committee on Judiciary respectfully reports that it has had under consideration
8 HB 1014, 1022, 1023, 1025, and 1039 and returns the same with the recommendation that said
9 bills do pass.

10 Also MR. SPEAKER:

11 The Committee on Judiciary respectfully reports that it has had under consideration
12 HB 1021 and returns the same with the recommendation that said bill be amended as follows:

13 1021ra

14 On page 5, after line 3 of the printed bill, insert:

15 " Section3. That § 24-15A-3 be amended to read as follows:

16 24-15A-3. The provisions of §§ 24-2-9, 24-2-12, 24-2-12.1, 24-2-12.2, 24-2-17, 24-2-18,
17 24-5-1, 24-5-2, 24-5-7, 24-13-4.2, 24-13-4.3, 24-13-4.5, 24-13-6, 24-13-7, 24-13-10, 24-15-1,
18 24-15-1.1, 24-15-1.2, 24-15-2, 24-15-3, 24-15-5, 24-15-6, 24-15-7, 24-15-7.1, 24-15-8, 24-15-
19 10, 24-15-11, 24-15-12, 24-15-15, 24-15-20, 24-15-24, and 24-15-25, ~~and 23A-28C-1~~ do not
20 apply to any person sentenced to prison for a crime committed after July 1, 1996."

21 And that as so amended said bill do pass.

22 Respectfully submitted,
23 Roger W. Hunt, Chair

24 Also MR. SPEAKER:

25 The Committee on Agriculture and Natural Resources respectfully reports that it has had
26 under consideration HB 1003, 1011, and 1013 and returns the same with the recommendation
27 that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1012 and returns the same with the recommendation that said bill do
4 pass and be placed on the consent calendar.

5 Respectfully submitted,
6 Kim Vanneman, Chair

7 Also MR. SPEAKER:

8 The Committee on Taxation respectfully reports that it has had under consideration
9 HB 1001 and returns the same with the recommendation that said bill do pass and be placed on
10 the consent calendar.

11 Also MR. SPEAKER:

12 The Committee on Taxation respectfully reports that it has had under consideration
13 HB 1002 which was deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Mark K. Willadsen, Chair

16 Also MR. SPEAKER:

17 The Committee on Transportation respectfully reports that it has had under consideration
18 HB 1019 and 1032 and returns the same with the recommendation that said bills do pass and
19 be placed on the consent calendar.

20 Also MR. SPEAKER:

21 The Committee on Transportation respectfully reports that it has had under consideration
22 HB 1031 and returns the same with the recommendation that said bill be amended as follows:

23 1031oa

24 On page 1, line 13, of the printed bill, delete "twenty-five" and insert "ten".

25 And that as so amended said bill do pass.

26 Respectfully submitted,
27 Mike Verchio, Chair

1 Nays:

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

7 Excused:

8 Elliott; Feickert; Feinstein; Iron Cloud III; Killer; Steele

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

11 The question being on Rep. Lust's motion that the report of the Joint-Select Committee
12 relative to the joint rules for the Eighty-seventh Legislative Session as found on pages 42 and
13 43 of the House Journal be adopted.

14 And the roll being called:

15 Yeas 60, Nays 4, Excused 6, Absent 0

16 Yeas:

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

24 Nays:

25 Gibson; Kloucek; Schrempp; Sigdestad

26 Excused:

27 Elliott; Feickert; Feinstein; Iron Cloud III; Killer; Steele

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

30 Rep. Lust moved that the temporary house rules of the Eighty-seventh Legislative
31 Session be made the permanent house rules of the Eighty-seventh Legislative Session.

32 The question being on Rep. Lust's motion that the temporary house rules of the Eighty-
33 seventh Legislative Session be made the permanent house rules of the Eighty-seventh
34 Legislative Session.

1 And the roll being called:

2 Yeas 64, Nays 0, Excused 6, Absent 0

3 Yeas:

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

11 Excused:

12 Elliott; Feickert; Feinstein; Iron Cloud III; Killer; Steele

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

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

16 HB 1060 Introduced by: The Committee on Judiciary at the request of the Chief Justice

17 FOR AN ACT ENTITLED, An Act to permit a probationer who is a registered sex
18 offender to reside in an assigned halfway house or supervised living center within a community
19 safety zone.

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

21 HB 1061 Introduced by: The Committee on Judiciary at the request of the Chief Justice

22 FOR AN ACT ENTITLED, An Act to amend certain provisions related to interpreter
23 services in the court system.

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

25 HB 1062 Introduced by: The Committee on Judiciary at the request of the Chief Justice

26 FOR AN ACT ENTITLED, An Act to clarify the supporting documentation necessary for
27 a request to implement the standard visitation guidelines.

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

1 HB 1063 Introduced by: The Committee on Judiciary at the request of the Chief Justice

2 FOR AN ACT ENTITLED, An Act to repeal certain statutes related to the testimony of
3 sex offense victims and to evidence of a victim's prior sexual conduct and to establish the
4 rationale and effect of the repeal.

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

6 HB 1064 Introduced by: The Committee on Judiciary at the request of the Chief Justice

7 FOR AN ACT ENTITLED, An Act to allow the Supreme Court to establish certain rules
8 for the use of interactive audio visual equipment and to provide for the collection and deposit
9 of fees for the use thereof.

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

11 HB 1065 Introduced by: The Committee on Judiciary at the request of the Chief Justice

12 FOR AN ACT ENTITLED, An Act to repeal the requirement that the Unified Judicial
13 System set forth a schedule for all fees paid directly to court reporters in its annual consolidated
14 budget.

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

16 HB 1066 Introduced by: Representatives Deelstra, Abdallah, Blake, Bolin, Conzet,
17 Dennert, Elliott, Gibson, Gosch, Haggard, Hansen (Jon), Hickey, Hoffman, Hubbel, Hunt, Killer,
18 Kirkeby, Liss, Lucas, Miller, Moser, Nelson (Stace), Scott, Sly, Solum, Street, Stricherz,
19 Tornow, Vanneman, Wick, and Willadsen and Senators Hunhoff (Jean), Bradford, Brown,
20 Buhl, Juhnke, Peters, Rave, Schlekeway, and Sutton

21 FOR AN ACT ENTITLED, An Act to allow for the cremation of deceased persons who
22 are indigent and the funeral expenses are the financial responsibility of the county.

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

24 HB 1067 Introduced by: Representatives Kirschman, Blake, Brunner, Deelstra, Dennert,
25 Elliott, Fargen, Feickert, Gibson, Hickey, Hunhoff (Bernie), Jensen, Kloucek, Kopp, Lucas,
26 Rausch, Sigdestad, Street, Verchio, and Wick and Senators Sutton, Bradford, Frerichs,
27 Hundstad, Nygaard, and Rhoden

28 FOR AN ACT ENTITLED, An Act to guarantee an employee's right to secure a physician
29 and other medical services of their choosing for care under a worker's compensation claim.

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

1 HB 1068 Introduced by: Representatives Kirschman, Abdallah, Blake, Brunner, Deelstra,
2 Dennert, Elliott, Fargen, Feickert, Gibson, Hickey, Hunhoff (Bernie), Jensen, Kloucek, Kopp,
3 Lucas, Rausch, Sigdestad, Street, Verchio, and Wick and Senators Sutton, Bradford, Frerichs,
4 and Hundstad

5 FOR AN ACT ENTITLED, An Act to guarantee the right of individuals to secure medical
6 services of their choosing.

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

8 HB 1069 Introduced by: Representatives Hunt, Abdallah, and Van Gerpen and Senators
9 Nygaard, Krebs, and Rhoden

10 FOR AN ACT ENTITLED, An Act to increase the amount of income and principal of a
11 perpetual fund used to maintain a cemetery.

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

13 HB 1070 Introduced by: Representatives Rausch, Blake, Brunner, Cronin, Gosch,
14 Hoffman, Hunhoff (Bernie), Jensen, Kirkeby, Kopp, Lust, Magstadt, Olson (Betty), Perry,
15 Rozum, Scott, Solum, Street, Stricherz, Vanneman, Verchio, White, Wick, Willadsen, and
16 Wink and Senators Rhoden, Begalka, Brown, Cutler, Juhnke, Maher, Olson (Russell), Rave,
17 Sutton, Tidemann, and Tieszen

18 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the certificate
19 of health requirement for the importation of animals.

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

22 HB 1071 Introduced by: Representatives Willadsen, Conzet, Fargen, Greenfield, Hawley,
23 Hickey, Hubbel, Jones, Kirschman, Moser, Novstrup (David), Scott, and Solum and Senators
24 Lederman, Adelstein, Buhl, Johnston, Nelson (Tom), Nygaard, Peters, and Rave

25 FOR AN ACT ENTITLED, An Act to increase the benefits that the Insurance Guarantee
26 Association may become obligated to cover for annuities.

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

28 HB 1072 Introduced by: Representatives Verchio, Brunner, Elliott, Hubbel, Olson (Betty),
29 Russell, and Tulson and Senators Rampelberg, Maher, and Rhoden

30 FOR AN ACT ENTITLED, An Act to provide for the recall of county commissioners.

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

2 HB 1073 Introduced by: Representatives Gosch, Abdallah, Dennert, Fargen, Feinstein,
3 Gibson, Hunt, Lust, Schrempp, Sly, Turbiville, Van Gerpen, Vanneman, Verchio, and
4 Willadsen and Senators Johnston, Cutler, Fryslie, Hundstad, Krebs, Lederman, Olson (Russell),
5 Putnam, Tieszen, and Vehle

6 FOR AN ACT ENTITLED, An Act to prohibit certain indemnity provisions in motor
7 carrier transportation contracts.

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

9 HJR 1002 Introduced by: Representatives Bolin, Brunner, Deelstra, Dryden, Hickey,
10 Hoffman, Jones, Killer, Kloucek, Liss, Lucas, Magstadt, Miller, Moser, Nelson (Stace), Sly,
11 Tulson, Venner, Verchio, and Willadsen and Senators Schlekeway, Adelstein, Begalka,
12 Bradford, Kraus, Lederman, Maher, and Novstrup (Al)

13 A JOINT RESOLUTION, To propose a constitutional amendment to repeal certain
14 reimbursement restrictions for travel by legislators to and from a legislative session.

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

16 HJR 1003 Introduced by: Representatives Kirschman, Blake, Brunner, Dennert, Elliott,
17 Fargen, Feickert, Gibson, Hickey, Hunhoff (Bernie), Jensen, Kloucek, Kopp, Rausch,
18 Sigdestad, Street, Verchio, and Wick and Senators Sutton, Bradford, Frerichs, and Hundstad

19 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
20 election an amendment to Article VI of the Constitution of the State of South Dakota, relating
21 to the right of individuals to secure medical services of their choosing.

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

23 **SECOND READING OF CONSENT CALENDAR ITEMS**

24 HB 1016: FOR AN ACT ENTITLED, An Act to repeal certain rules relating to use of the
25 centennial logo.

26 Was read the second time.

27 The question being "Shall HB 1016 pass?"

28 And the roll being called:

1 Yeas 64, Nays 0, Excused 6, Absent 0

2 Yeas:

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

10 Excused:

11 Elliott; Feickert; Feinstein; Iron Cloud III; Killer; Steele

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

14 HB 1024: FOR AN ACT ENTITLED, An Act to repeal the authorization to sell certain
15 surplus real estate under the control of the Department of Corrections in Aurora County and
16 Minnehaha County.

17 Was read the second time.

18 The question being "Shall HB 1024 pass?"

19 And the roll being called:

20 Yeas 64, Nays 0, Excused 6, Absent 0

21 Yeas:

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

29 Excused:

30 Elliott; Feickert; Feinstein; Iron Cloud III; Killer; Steele

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

1

JOINT SESSION

2 Pursuant to the report of the Joint-Select Committee, as found on page 30 of the House
3 Journal, the Senate and the House of Representatives met in informal joint session in the House
4 Chamber for the purpose of having a memorial service for deceased former members and
5 reading of the following Joint Memorial Resolution:

6 **WHEREAS**, the Great Ruler of the Universe has ordered a final adjournment in the lives
7 of six former members of the South Dakota Legislature, namely: the *Honorable Thomas J.*
8 *Bergan*; the *Honorable Benny J. Gross*; the *Honorable Cortland Johnson*; the *Honorable Dale*
9 *E. Kringen*; the *Honorable Keith W. Paisley*; and the *Honorable Gordon R. Pederson*; and

10 **WHEREAS**, in the lives of all these eminent public servants there was noted a profound
11 urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but
12 with a consciousness that here in a land of freedom the dignity of the individual is supreme, that
13 justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-
14 government of a people be preserved; and

15 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus
16 contributed to the orderly process of government under the Constitution:

17 **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of
18 Representatives of the Eighty-seventh Session of the Legislature of the State of South Dakota
19 duly convened in recess session in recognition of the useful lives and unflinching devotion to the
20 interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity
21 to the highest principles of American citizenship by these honorable people, that the Senate and
22 the House of Representatives do now pause in their labors out of respect for the memory of their
23 late fellow associates in the functions of government, and note that in their passing, the state
24 they have served so well has suffered a distinct loss, and though their labors have ceased and
25 they have been laid to rest, the people of this great state have benefited greatly from the services
26 rendered by them and they have left upon the sands of time an inspiring record of devotion to
27 their fellow citizens under the guiding hand of Almighty God; and

28 **BE IT FURTHER RESOLVED**, that this Resolution be printed in the journals of the
29 Senate and the House of Representatives of the Eighty-seventh Session of the Legislature of the
30 State of South Dakota, now assembled this 19th day of January, 2012, at Pierre, South Dakota.