

# **JOURNAL OF THE HOUSE**

## **EIGHTY-SEVENTH SESSION**

---

NINTH DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 25, 2012

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 Morgan Hemmingson and Cassidy Trapp.

Roll Call: All members present except Rep. Vanneman who was 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 eighth 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 Also MR. SPEAKER:

2 The Committee on Commerce and Energy respectfully reports that it has had under  
3 consideration HB 1079 and 1119 and returns the same with the recommendation that said bills  
4 do pass.

5 Also MR. SPEAKER:

6 The Committee on Commerce and Energy respectfully reports that it has had under  
7 consideration HB 1071 and 1097 and returns the same with the recommendation that said bills  
8 do pass and be placed on the consent calendar.

9 Also MR. SPEAKER:

10 The Committee on Commerce and Energy respectfully reports that it has had under  
11 consideration HB 1103 which was tabled.

12 Respectfully submitted,  
13 Roger D. Solum, Chair

14 **MESSAGES FROM THE SENATE**

15 MR. SPEAKER:

16 I have the honor to transmit herewith SB 6, 14, and 42 which have passed the Senate and  
17 your favorable consideration is respectfully requested.

18 Respectfully,  
19 Fee Jacobsen, Secretary

20 **MOTIONS AND RESOLUTIONS**

21 HCR 1004: A CONCURRENT RESOLUTION, Supporting and encouraging the academic  
22 study of the Bible in South Dakota public schools.

23 Rep. Hickey moved that HCR 1004 as found on pages 172 and 173 of the House Journal  
24 be adopted.

25 The question being on Rep. Hickey's motion that HCR 1004 be adopted.

26 And the roll being called:

1 Yeas 55, Nays 13, Excused 2, Absent 0

2 Yeas:

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

9 Nays:

10 Blake; Dryden; Elliott; Fargen; Feinstein; Hunhoff (Bernie); Iron Cloud III; Killer; Lucas; Perry;  
11 Rozum; Turbiville; Wismer

12 Excused:

13 Gibson; Vanneman

14 So the motion having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the motion carried and HCR 1004 was adopted.

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

17 HB 1216 Introduced by: Representatives Feinstein, Blake, Dennert, Elliott, Feickert,  
18 Gibson, Hawley, Hickey, Hubbel, Hunhoff (Bernie), Jones, Kirkeby, Kirschman, Kloucek,  
19 Sigdestad, and Venner and Senators Sutton, Adelstein, Bradford, Buhl, Cutler, and Hundstad

20 FOR AN ACT ENTITLED, An Act to lower the state sales and use tax on certain food  
21 items and to increase the rate of taxation for the sales and use tax on certain goods and services.

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

23 HB 1217 Introduced by: Representatives Stricherz, Hansen (Jon), and Magstadt and  
24 Senator Bradford

25 FOR AN ACT ENTITLED, An Act to enact certain provisions relating to the federal  
26 Indian child Welfare Act and to adopt the South Dakota Indian Family Preservation Act.

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

1 HB 1218 Introduced by: Representatives Hickey, Blake, Deelstra, Elliott, Fargen,  
2 Feinstein, Gibson, Greenfield, Haggar, Hubbel, Iron Cloud III, Jensen, Killer, Kirschman, Kopp,  
3 Liss, Magstadt, Miller, Moser, Munsterman, Nelson (Stace), Olson (Betty), Schaefer, Stricherz,  
4 Tulson, Van Gerpen, Venner, and Willadsen and Senators Nygaard, Begalka, Buhl, and Frerichs

5 FOR AN ACT ENTITLED, An Act to rescind the statute of limitations for any civil cause  
6 of action arising out of childhood sexual abuse.

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

8 HB 1219 Introduced by: Representatives Hickey, Abdallah, Bolin, Boomgarden, Elliott,  
9 Fargen, Feickert, Gibson, Hansen (Jon), Hubbel, Hunhoff (Bernie), Kirkeby, Kopp, Lucas,  
10 Moser, Nelson (Stace), Perry, Schaefer, Sigdestad, Street, Stricherz, Turbiville, and Willadsen  
11 and Senators Peters, Adelstein, Buhl, Cutler, Frerichs, Juhnke, Nelson (Tom), Sutton, and  
12 Tieszen

13 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the process of  
14 collecting DNA upon arrest for a qualifying offense.

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

16 HB 1220 Introduced by: Representatives Gosch, Cronin, Lust, Olson (Betty), Rausch, and  
17 Verchio and Senators Olson (Russell), Brown, Haverly, Kraus, and Rave

18 FOR AN ACT ENTITLED, An Act to conditionally repeal certain provisions establishing  
19 network adequacy standards, quality assessment and improvement requirements, utilization  
20 review and benefit determination requirements, and grievance procedures for managed health  
21 care plans, and certain standards for managed health care plans if the Patient Protection and  
22 Affordable Care Act is found to be unconstitutional.

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

24 HB 1221 Introduced by: Representatives Kirschman, Blake, Dennert, Elliott, Fargen,  
25 Feickert, Gibson, Hunhoff (Bernie), Iron Cloud III, Killer, Kloucek, Lucas, and Schrempp and  
26 Senators Bradford, Frerichs, and Hundstad

27 FOR AN ACT ENTITLED, An Act to increase the minimum wage and to provide for  
28 annual adjustments in the minimum wage equivalent to the consumer price index.

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

1 HB 1222 Introduced by: Representatives Steele, Bolin, Boomgarden, Cronin, Deelstra,  
2 Dennert, Gosch, Greenfield, Haggar, Hickey, Hoffman, Jensen, Kirschman, Kopp, Nelson  
3 (Stace), Olson (Betty), Russell, Stricherz, Venner, Verchio, and Wick and Senators Novstrup  
4 (Al), Brown, Fryslie, Johnston, Olson (Russell), Peters, Rave, and Rhoden

5 FOR AN ACT ENTITLED, An Act to limit the authority of South Dakota delegates to an  
6 Article V convention to amend the United States Constitution, to prohibit any delegate from  
7 exceeding such authority, and to provide certain penalties therefor.

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

9 HB 1223 Introduced by: Representatives Steele, Blake, Bolin, Deelstra, Feinstein, Haggar,  
10 Hansen (Jon), Hickey, Hoffman, Hubbel, Hunt, Jensen, Kirschman, Kopp, Miller, Nelson  
11 (Stace), Olson (Betty), Tornow, Vanneman, and Wick and Senators Schlekeway, Brown, Cutler,  
12 Heineman, Johnston, Krebs, Lederman, Novstrup (Al), Olson (Russell), Peters, and Rave

13 FOR AN ACT ENTITLED, An Act to exempt from sales tax certain handling fees paid by  
14 religious organizations to approved relief agencies for the distribution of food which is provided  
15 for the assistance or relief of the poor, distressed, or underprivileged through food giveaway  
16 programs.

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

18 HB 1224 Introduced by: Representative Russell

19 FOR AN ACT ENTITLED, An Act to allow voters to petition for the at large election of  
20 county commissioners.

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

22 HB 1225 Introduced by: Representatives Lucas, Abdallah, Blake, Bolin, Brunner, Dennert,  
23 Elliott, Fargen, Feickert, Gibson, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman,  
24 Kloucek, Schrempp, Sigdestad, Sly, Street, Stricherz, and Wismer and Senators Sutton,  
25 Bradford, Buhl, Cutler, Frerichs, Hundstad, and Schlekeway

26 FOR AN ACT ENTITLED, An Act to revise the distribution of earnings from the  
27 education enhancement trust fund, and to establish the teacher compensation enhancement  
28 program.

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

1 HB 1226 Introduced by: Representatives Lucas, Abdallah, Blake, Brunner, Deelstra,  
2 Dennert, Elliott, Fargen, Gibson, Hunhoff (Bernie), Jones, Kirkeby, Kirschman, Kloucek,  
3 Munsterman, Perry, Sly, Stricherz, and Turbiville and Senators Sutton, Adelstein, Bradford,  
4 Buhl, Cutler, Frerichs, Hundstad, Johnston, Maher, and Schlekeway

5 FOR AN ACT ENTITLED, An Act to revise the index factor in the state aid to general  
6 education and state aid to special education formulas, and to require the Legislature to estimate  
7 general fund revenues for the current fiscal year and the next fiscal year.

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

9 HB 1227 Introduced by: Representatives Abdallah, Blake, Bolin, Conzet, Cronin, Deelstra,  
10 Dennert, Gibson, Hansen (Jon), Hoffman, Hunhoff (Bernie), Lucas, Rausch, Scott, Turbiville,  
11 White, and Wick and Senators Brown, Bradford, Krebs, Lederman, Maher, Nelson (Tom),  
12 Novstrup (Al), Olson (Russell), Peters, Rave, and Schlekeway

13 FOR AN ACT ENTITLED, An Act to revise certain provisions with regard to the rights  
14 of industrial and construction equipment dealers.

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

16 HB 1228 Introduced by: Representatives Moser, Cronin, Rausch, Street, and Willadsen and  
17 Senators Hansen (Tom) and Begalka

18 FOR AN ACT ENTITLED, An Act to repeal the sunset concerning tax refunds for new  
19 or expanded agricultural facilities and new or expanded business facilities.

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

21 HB 1229 Introduced by: Representatives Tornow, Abdallah, Boomgarden, Cronin,  
22 Feinstein, Hansen (Jon), Killer, Kopp, Lust, Russell, and Venner and Senators Cutler, Brown,  
23 Novstrup (Al), and Schlekeway

24 FOR AN ACT ENTITLED, An Act to exempt certain persons from the requirement to  
25 license as a mortgage loan originator.

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

1 HB 1230 Introduced by: Representatives Nelson (Stace), Brunner, Feickert, Hansen (Jon),  
2 Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Kirschman, Kloucek, Kopp, Liss, Magstadt, Olson  
3 (Betty), Rozum, Russell, Tornow, Tulson, Van Gerpen, and Venner and Senators Adelstein,  
4 Frerichs, Hundstad, and Maher

5 FOR AN ACT ENTITLED, An Act to modify the publication requirements regarding the  
6 application for a well driller license or a well pump installer license.

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

8 HB 1231 Introduced by: Representatives Jensen, Abdallah, Bolin, Boomgarden, Brunner,  
9 Carson, Conzet, Cronin, Deelstra, Dennert, Dryden, Feickert, Gosch, Greenfield, Haggard,  
10 Hansen (Jon), Hawley, Hoffman, Hubbel, Hunt, Jones, Kirkeby, Kirschman, Kopp, Lucas, Lust,  
11 Magstadt, Miller, Nelson (Stace), Olson (Betty), Perry, Rausch, Romkema, Rozum, Russell,  
12 Schaefer, Sly, Solum, Steele, Street, Tornow, Tulson, Turbiville, Van Gerpen, Venner, Verchio,  
13 White, Wick, and Willadsen and Senators Lederman, Begalka, Bradford, Hansen (Tom),  
14 Haverly, Heineman, Holien, Johnston, Kraus, Maher, Novstrup (Al), Olson (Russell), Peters,  
15 Putnam, Rampelberg, Rave, Schlekeway, Tidemann, and Tieszen

16 FOR AN ACT ENTITLED, An Act to provide that hydraulic fracturing is an acceptable  
17 recovery process in South Dakota.

18 Was read the first time and referred to the Committee on Agriculture and Natural  
19 Resources.

20 HB 1232 Introduced by: The Committee on State Affairs at the request of the Office of the  
21 Governor

22 FOR AN ACT ENTITLED, An Act to repeal the South Dakota Commission on Health  
23 Care.

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

25 HB 1233 Introduced by: The Committee on State Affairs at the request of the Office of the  
26 Governor

27 FOR AN ACT ENTITLED, An Act to provide for the public access to the records of  
28 former Governors and lieutenant governors.

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

1 HB 1234 Introduced by: The Committee on Education at the request of the Office of the  
2 Governor

3 FOR AN ACT ENTITLED, An Act to provide for rewards for the best teachers and those  
4 teaching in math and science subject areas, to revise certain provisions regarding evaluation of  
5 teachers, to create a system for evaluating principals, to distinguish between tenured and  
6 nontenured teachers, to revise certain provisions regarding the employment of teachers, and to  
7 repeal provisions regarding the teacher compensation assistance program.

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

9 HB 1235 Introduced by: Representatives Hunhoff (Bernie), Abdallah, Blake, Brunner,  
10 Conzet, Cronin, Deelstra, Dennert, Dryden, Elliott, Fargen, Feickert, Feinstein, Gibson,  
11 Greenfield, Hansen (Jon), Hawley, Hickey, Hoffman, Iron Cloud III, Jones, Killer, Kirkeby,  
12 Kirschman, Kloucek, Kopp, Liss, Lucas, Lust, Magstadt, Miller, Moser, Munsterman, Novstrup  
13 (David), Olson (Betty), Perry, Rausch, Romkema, Rozum, Schaefer, Schrempp, Scott,  
14 Sigdestad, Sly, Solum, Street, Stricherz, Tornow, Tulson, Turbiville, Van Gerpen, Verchio,  
15 White, Wick, Willadsen, and Wismer and Senators Holien, Bradford, Brown, Buhl, Cutler,  
16 Frerichs, Fryslie, Gray, Hansen (Tom), Hundstad, Johnston, Juhnke, Kraus, Krebs, Lederman,  
17 Maher, Nelson (Tom), Novstrup (Al), Peters, Putnam, Rampelberg, Rave, Schlekeway, Sutton,  
18 and Tidemann

19 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South  
20 Dakota state flag.

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

22 HB 1236 Introduced by: Representatives Olson (Betty), Gosch, Hansen (Jon), Hubbel,  
23 Kirkeby, Russell, and Wick and Senators Maher and Adelstein

24 FOR AN ACT ENTITLED, An Act to require that notice be provided to persons informing  
25 them of the expiration date and related information concerning their driver licenses.

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

27 HB 1237 Introduced by: Representatives Schaefer, Cronin, Dennert, Elliott, Feickert,  
28 Haggar, Hoffman, Hubbel, Kirschman, Kopp, Miller, Olson (Betty), Rozum, Russell, Sigdestad,  
29 Sly, Solum, Stricherz, Tulson, Venner, and Wink and Senators Maher and Frerichs

30 FOR AN ACT ENTITLED, An Act to assess agricultural land based on its actual use.

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

1 HB 1238 Introduced by: Representatives Nelson (Stace), Hubbel, Kopp, Russell, and Steele  
2 and Senators Begalka and Tieszen

3 FOR AN ACT ENTITLED, An Act to establish sanctions relating to the hiring of illegal  
4 aliens.

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

6 HB 1239 Introduced by: Representative Dennert and Senator Frerichs

7 FOR AN ACT ENTITLED, An Act to revise the per student allocation for the state aid to  
8 general education formula.

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

10 HB 1240 Introduced by: Representatives Sigdestad, Brunner, Dennert, Feickert, Hoffman,  
11 Olson (Betty), Russell, Schaefer, Street, and Verchio and Senators Rhoden, Begalka, Frerichs,  
12 Hundstad, Lederman, Maher, and Vehle

13 FOR AN ACT ENTITLED, An Act to separately classify, assess, and tax agricultural land  
14 that is leased for certain purposes that restrict the use of the land.

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

16 HB 1241 Introduced by: Representatives Sigdestad, Nelson (Stace), Russell, and Schrempp  
17 and Senator Hundstad

18 FOR AN ACT ENTITLED, An Act to require township board approval for certain utility  
19 facilities located near township roads.

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

21 HJR 1007 Introduced by: The Committee on State Affairs at the request of the Office of  
22 the Governor

23 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general  
24 election an amendment to Article XII of the Constitution of the State of South Dakota, relating  
25 to a balanced budget.

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

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

2           SB 6: FOR AN ACT ENTITLED, An Act to authorize criminal background checks for  
3 various state employees.

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

5           SB 14: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding alcohol  
6 or drug commitments.

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

8           SB 42: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding habeas  
9 corpus.

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

11                   **SECOND READING OF CONSENT CALENDAR ITEMS**

12          HB 1033: FOR AN ACT ENTITLED, An Act to clarify certain requirements relating to  
13 insurance examinations.

14          Was read the second time.

15          The question being "Shall HB 1033 pass as amended?"

16          And the roll being called:

17          Yeas 69, Nays 0, Excused 1, Absent 0

18          Yeas:

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

27          Excused:

28 Vanneman

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

3 HB 1009: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to  
4 licenses issued by the Board of Pharmacy.

5 Was read the second time.

6 Rep. Feinstein requested that HB 1009 be removed from the Consent Calendar.

7 Which request was granted.

8 HB 1010: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
9 statutes and rules related to the Department of Health.

10 Was read the second time.

11 The question being "Shall HB 1010 pass?"

12 And the roll being called:

13 Yeas 69, Nays 0, Excused 1, Absent 0

14 Yeas:

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

23 Excused:

24 Vanneman

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

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

2           HB 1063: FOR AN ACT ENTITLED, An Act to repeal certain statutes related to the  
3 testimony of sex offense victims and to evidence of a victim's prior sexual conduct and to  
4 establish the rationale and effect of the repeal.

5           Was read the second time.

6           The question being "Shall HB 1063 pass?"

7           And the roll being called:

8           Yeas 68, Nays 0, Excused 2, Absent 0

9           Yeas:

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

18           Excused:

19 Vanneman; Venner

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

22           HB 1064: FOR AN ACT ENTITLED, An Act to allow the Supreme Court to establish  
23 certain rules for the use of interactive audio visual equipment and to provide for the collection  
24 and deposit of fees for the use thereof.

25           Was read the second time.

26           The question being "Shall HB 1064 pass?"

27           And the roll being called:

28           Yeas 54, Nays 15, Excused 1, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Elliott; Feickert; Feinstein; Gibson; Gosch; Hansen (Jon); Hawley; Hickey; Hunhoff  
4 (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby; Kirschman; Kloucek; Lucas; Lust;  
5 Magstadt; Miller; Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schaefer;  
6 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen; White;  
7 Wick; Willadsen; Wink; Wismer; Speaker Rausch

8 Nays:

9 Fargen; Greenfield; Haggar; Hoffman; Hubbel; Jensen; Kopp; Liss; Nelson (Stace); Olson  
10 (Betty); Russell; Schrempp; Tornow; Venner; Verchio

11 Excused:

12 Vanneman

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 HB 1039: FOR AN ACT ENTITLED, An Act to exempt certain impaired driving  
16 violations from the statutory limitation on enhanced penalties for second, third, or subsequent  
17 violations.

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

19 The question now being on Rep. Tornow's pending motion to amend HB 1039 as found  
20 on page 77 of the House Journal.

21 Which motion lost.

22 The question being "Shall HB 1039 pass?"

23 And the roll being called:

24 Yeas 49, Nays 20, Excused 1, Absent 0

25 Yeas:

26 Abdallah; Blake; Bolin; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Gibson;  
27 Hansen (Jon); Hawley; Hickey; Hoffman; Hunt; Iron Cloud III; Jones; Killer; Kirkeby; Kopp;  
28 Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Perry; Romkema;  
29 Rozum; Russell; Schaefer; Schrempp; Scott; Sly; Solum; Steele; Street; Stricherz; Tulson;  
30 Turbiville; Van Gerpen; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

31 Nays:

32 Boomgarden; Brunner; Fargen; Feickert; Feinstein; Gosch; Greenfield; Haggar; Hubbel;  
33 Hunhoff (Bernie); Jensen; Kirschman; Kloucek; Liss; Nelson (Stace); Olson (Betty); Sigdestad;  
34 Tornow; Venner; Verchio

1 Excused:  
2 Vanneman

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 HB 1020: FOR AN ACT ENTITLED, An Act to authorize the Department of Game, Fish  
6 and Parks to sell the Marcotte Tract located within the Marcotte Game Production Area in  
7 Meade County to the City of Sturgis.

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

9 The question being "Shall HB 1020 pass?"

10 And the roll being called:

11 Yeas 67, Nays 2, Excused 1, Absent 0

12 Yeas:  
13 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
14 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
15 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; 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; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van  
19 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

20 Nays:  
21 Iron Cloud III; Stricherz

22 Excused:  
23 Vanneman

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

26 HB 1073: FOR AN ACT ENTITLED, An Act to prohibit certain indemnity provisions in  
27 motor carrier transportation contracts.

28 Was read the second time.

29 The question being "Shall HB 1073 pass as amended?"

30 And the roll being called:

31 Yeas 69, Nays 0, Excused 1, 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; Iron Cloud III; Jensen; Jones;  
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
6 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;  
7 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow;  
8 Tulson; Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;  
9 Speaker Rausch

10 Excused:

11 Vanneman

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 1006: FOR AN ACT ENTITLED, An Act to revise certain outdated and obsolete  
15 provisions regarding the Department of Education.

16 Was read the second time.

17 The question being "Shall HB 1006 pass as amended?"

18 And the roll being called:

19 Yeas 67, Nays 1, Excused 2, Absent 0

20 Yeas:

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

28 Nays:

29 Schrempp

30 Excused:

31 Abdallah; Vanneman

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

1 HB 1045: FOR AN ACT ENTITLED, An Act to revise various trust provisions.

2 Was read the second time.

3 The question being "Shall HB 1045 pass as amended?"

4 And the roll being called:

5 Yeas 65, Nays 4, Excused 1, Absent 0

6 Yeas:

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

14 Nays:

15 Kopp; Nelson (Stace); Olson (Betty); Tornow

16 Excused:

17 Vanneman

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

20 There being no objection, the House reverted to Order of Business No. 5.

21 **REPORTS OF STANDING COMMITTEES**

22 MR. SPEAKER:

23 The Committee on Education respectfully reports that it has had under consideration  
24 HB 1005 and returns the same with the recommendation that said bill be amended as follows:

1 1005cb

2 On page 1, line 11, of the printed bill, after "application" insert "with a school official".

3 On page 2, delete lines 6 to 13, inclusive.

4 And that as so amended said bill do pass.

5 Respectfully submitted,  
6 Thomas J. Brunner, Chair

7 **COMMEMORATIONS**

8 HC 1007 Introduced by: Representatives Stricherz, Bolin, Conzet, Fargen, Gibson, Haggar,  
9 Lucas, Magstadt, and Rozum and Senator Nygaard

10 A LEGISLATIVE COMMEMORATION, Commending and honoring James Swan, United  
11 Urban Warrior Society.

12 WHEREAS, Mr. James Swan of Rapid City organized the United Urban Warrior Society  
13 of Rapid City, which in one year expanded to ten United Urban Warrior Societies across the  
14 nation; and

15 WHEREAS, Mr. Swan fulfilled needs and addressed issues of concern to the Native  
16 American community of Rapid City; and

17 WHEREAS, Mr. Swan assisted in providing community safety and security by working with  
18 the Rapid City Police Department; and

19 WHEREAS, Mr. Swan helped create and run the Annual Lakota Kids Christmas Dinner,  
20 providing a meal and toys to local kids; and

21 WHEREAS, Mr. Swan continues to help provide meals, clothing, and blankets to the  
22 homeless and continues to provide creative and thoughtful assistance to his community:

23 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of  
24 the State of South Dakota, that James Swan be recognized and honored for his service to his  
25 community and for work in bettering the life of others.

1 HC 1008 Introduced by: Representatives Stricherz, Bolin, Conzet, Fargen, Gibson, Haggar,  
2 Lucas, Magstadt, and Rozum and Senator Begalka

3 A LEGISLATIVE COMMEMORATION, Commemorating the Madison Dairy Queen for its  
4 entrepreneurial spirit, hard work, and dedication to helping children.

5 WHEREAS, Madison's original Dairy Queen was built in the mid-1950's by John and  
6 Maude Holly and operated out of a small white shack. In the fall of 1963, DeWayne and Joanne  
7 Mork purchased the Dairy Queen of Madison which opened in March of 1964. DeWayne and  
8 Joanne built the current Dairy Queen building in Madison and operated it until 1998 when they  
9 passed the reins over to their son, DeLon Mork, who has continued their tradition of community  
10 involvement and service; and

11 WHEREAS, for six consecutive years Madison Dairy Queen has outsold every Dairy Queen  
12 in the nation during Miracle Treat day. Miracle Treat Day is a yearly fundraising event held  
13 nationally to earn funds for the Children's Miracle Network, which was founded in 1983 to raise  
14 funds for children's hospitals; and

15 WHEREAS, in 2011, DeLon Mork and the Madison Dairy Queen sold 25,648 blizzards,  
16 which earned sixty thousand dollars for Sanford's Children's Hospital in Sioux Falls; and

17 WHEREAS, DeLon himself is a cancer survivor. He began participating in Miracle Treat  
18 Day in 2006, after his father died from cancer. Miracle Treat Day is close to DeLon's heart and  
19 he is so committed that he will go to such extremes as shaving his head and jumping out of  
20 airplanes to reach his yearly goal:

21 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of  
22 the State of South Dakota, that the Madison Dairy Queen and its owners and employees be  
23 recognized for their efforts to better their community and the lives of children throughout the  
24 country.

25 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at  
26 3:29 p.m. the House adjourned.

27

Karen Gerdes, Chief Clerk