

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

FIFTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, February 6, 2012

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

The prayer was offered by the Chaplain, Pastor Sarah Goldammer, followed by the Pledge of Allegiance led by House pages Chelsea Olson and Baily Ringgenberg.

Roll Call: All members present.

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 fourteenth 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 named pages:

2 Katherine Hickey, Rachel Howard, Jordyn Jones, Jessica Lentz, Katrinia Martinez, Lana
3 Nelson, Rebekah Nelson, Michaela Oleson, Chelsea Olson, Baily Ringgenberg, Tabitha
4 Siemens, Sarah Tow, Andrew Weber, Erin Willadsen, Emily Zietlow, Henry Zietlow.

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

6 **HONORED GUESTS**

7 Rep. Rozum introduced Kourtney Hauge, the 2011 South Dakota 4-H Rodeo Ambassador,
8 from White Lake, South Dakota.

9 **RECOGNITION**

10 Rep. Rausch recognized and introduced Senator Timothy A. Rave, District 25, who served
11 as Speaker of the House of Representatives in 2009-2010. He spoke briefly and presided over
12 the unveiling of his portrait.

13 **REPORTS OF STANDING COMMITTEES**

14 MR. SPEAKER:

15 The Committee on Education respectfully reports that it has had under consideration
16 HB 1152 and returns the same with the recommendation that said bill be referred to the
17 Committee on Appropriations.

18 Also MR. SPEAKER:

19 The Committee on Education respectfully reports that it has had under consideration
20 HB 1208 which was deferred to the 41st Legislative Day.

21 Respectfully submitted,
22 Thomas J. Brunner, Chair

23 Also MR. SPEAKER:

24 The Committee on State Affairs respectfully reports that it has had under consideration
25 HB 1093, 1133, and 1233 and HJR 1007 and returns the same with the recommendation that
26 said bills and resolution do pass.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 HB 1232 and returns the same with the recommendation that said bill do pass and be placed on
4 the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on State Affairs respectfully reports that it has had under consideration
7 HB 1261 and HJR 1008 and 1010 and returns the same with the recommendation that said bill
8 and resolutions be referred to the Committee on Commerce and Energy.

9 Also MR. SPEAKER:

10 The Committee on State Affairs respectfully reports that it has had under consideration
11 HB 1134 which was tabled.

12 Also MR. SPEAKER:

13 The Committee on State Affairs respectfully reports that it has had under consideration
14 HB 1110 and 1235 which were deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 David Lust, Chair

17 Also MR. SPEAKER:

18 The Committee on Commerce and Energy respectfully reports that it has had under
19 consideration HB 1229 and returns the same with the recommendation that said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Commerce and Energy respectfully reports that it has had under
22 consideration HB 1192 and SB 26 and 28 and returns the same with the recommendation that
23 said bills do pass and be placed on the consent calendar.

24 Also MR. SPEAKER:

25 The Committee on Commerce and Energy respectfully reports that it has had under
26 consideration HB 1245 and returns the same with the recommendation that said bill be amended
27 as follows:

1 1245sa

2 On page 1, line 14, of the printed bill, overstrike "shall" and insert "may".

3 And that as so amended said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on Commerce and Energy respectfully reports that it has had under
6 consideration HB 1221 which was deferred to the 41st Legislative Day.

7 Respectfully submitted,
8 Roger D. Solum, Chair

9 **MESSAGES FROM THE SENATE**

10 MR. SPEAKER:

11 I have the honor to transmit herewith SB 68, 76, 86, 91, 103, 106, and 115 which have
12 passed the Senate and your favorable consideration is respectfully requested.

13 Respectfully,
14 Fee Jacobsen, Secretary

15 **MOTIONS AND RESOLUTIONS**

16 HCR 1006 Introduced by: Representatives Fargen, Brunner, Conzet, Cronin, Dennert,
17 Feickert, Gibson, Greenfield, Hawley, Hoffman, Hunhoff (Bernie), Iron Cloud III, Jones, Killer,
18 Kirschman, Kloucek, Kopp, Lucas, Lust, Nelson (Stace), Olson (Betty), Rausch, Russell,
19 Schaefer, Schrempp, Sigdestad, Street, Turbiville, Vanneman, Verchio, White, Wink, and
20 Wismer and Senators Krebs, Begalka, Bradford, Brown, Frerichs, Gray, Hansen (Tom),
21 Hundstad, Juhnke, Lederman, Maher, Nelson (Tom), Olson (Russell), Rampelberg, Rave,
22 Rhoden, Schlekeway, Sutton, and Vehle

23 A CONCURRENT RESOLUTION, in opposition to certain actions by animal rights groups to
24 undermine agricultural producers.

25 WHEREAS, South Dakota's rich history is primarily based on agriculture and agricultural
26 products; and

27 WHEREAS, South Dakota's economy is largely based on agricultural goods and services;
28 and

1 WHEREAS, agriculture has a twenty-one billion dollar impact on our state economy; and

2 WHEREAS, our rural heritage and future well-being depend primarily on a strong
3 agricultural base; and

4 WHEREAS, animal agriculture is a critical component of South Dakota's economy and
5 agricultural infrastructure; and

6 WHEREAS, farmers and ranchers understand the importance of humane treatment and care
7 of all farm animals; and

8 WHEREAS, misleading information has negatively impacted the agriculture industry; and

9 WHEREAS, extreme animal rights organizations pose a significant risk to agricultural
10 producers and the agricultural community in South Dakota and in the nation as a whole:

11 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
12 seventh Legislature of the State of South Dakota, the Senate concurring therein, opposes any
13 attempt for any ballot initiative or acts by the Humane Society of the United States, People for
14 the Ethical Treatment of Animals, and other animal rights groups that would undermine the
15 livelihood of agricultural producers.

16 Was read the first time and the Speaker waived the committee referral.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Rep. Lust moved that the report of the Standing Committee on

19 Appropriations on HB 1051 as found on pages 293 and 294 of the House Journal be
20 adopted.

21 Which motion prevailed.

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

23 SB 68: FOR AN ACT ENTITLED, An Act to provide that no statute of limitations applies
24 to certain rape offenses.

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

1 SB 76: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
2 retirement of justices and judges.

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

4 SB 86: FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and
5 prosecution for certain alcohol consumption related offenses to persons who assist certain
6 persons in need of emergency assistance or who are themselves in need of emergency assistance.

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

8 SB 91: FOR AN ACT ENTITLED, An Act to allow officers of corporations to represent
9 corporations in property tax appeals at the Office of Hearing Examiners.

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

11 SB 103: FOR AN ACT ENTITLED, An Act to revise the procedure for cooperatives
12 giving notice to persons whose records are missing regarding ownership of securities,
13 apportionment of equity interest, money, or property.

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

15 SB 106: FOR AN ACT ENTITLED, An Act to require the disclosure of certain public
16 employee contracts.

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

18 SB 115: FOR AN ACT ENTITLED, An Act to implement the regulation of insurance
19 coverage for portable electronic devices.

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

21 **SECOND READING OF CONSENT CALENDAR ITEMS**

22 HB 1153: FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions
23 relating to the revocation of fur dealer licenses.

24 Was read the second time.

1 The question being "Shall HB 1153 pass?"

2 And the roll being called:

3 Yeas 70, Nays 0, Excused 0, Absent 0

4 Yeas:

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

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 1178: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
16 disposal of local government property.

17 Was read the second time.

18 The question being "Shall HB 1178 pass?"

19 And the roll being called:

20 Yeas 70, Nays 0, Excused 0, Absent 0

21 Yeas:

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

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

1 SB 63: FOR AN ACT ENTITLED, An Act to revise the term of service of regional railroad
2 authority commissioners.

3 Was read the second time.

4 The question being "Shall SB 63 pass?"

5 And the roll being called:

6 Yeas 70, Nays 0, Excused 0, Absent 0

7 Yeas:

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

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

18 SB 64: FOR AN ACT ENTITLED, An Act to revise provisions regulating the perfection
19 of security interest liens filed on-line.

20 Was read the second time.

21 The question being "Shall SB 64 pass?"

22 And the roll being called:

23 Yeas 70, Nays 0, Excused 0, Absent 0

24 Yeas:

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

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

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

2 HB 1120: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
3 filing of claims against public improvement contracts.

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

5 Rep. Gosch moved that HB 1120 be laid on the table.

6 The question being on Rep. Gosch's motion that HB 1120 be laid on the table.

7 And the roll being called:

8 Yeas 67, Nays 3, Excused 0, 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; Kirschman; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
14 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott;
15 Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
16 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

17 Nays:

18 Kirkeby; Kloucek; Nelson (Stace)

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the motion carried and HB 1120 was tabled.

21 HB 1128: FOR AN ACT ENTITLED, An Act to require the Board of Education to conduct
22 public hearings before adopting certain standards.

23 Was read the second time.

24 The question being "Shall HB 1128 pass as amended?"

25 And the roll being called:

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

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
4 Hawley; Hickey; 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; Rozum; Russell;
7 Schaefer; Schrempp; Scott; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
8 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

9 Nays:

10 Elliott; Romkema; Sigdestad; Wismer

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

13 HB 1143: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to a
14 perpetrator's knowledge of a rape victim's age or capability to give consent.

15 Was read the second time.

16 1143rc

17 Rep. Tornow moved that HB 1143 be amended as follows:

18 On page 2, line 3, of the House Judiciary Committee engrossed bill, after "hypnosis" insert
19 "regardless of whether or not the perpetrator knew or should have known that the victim was
20 incapable of giving consent".

21 A roll call vote was requested and not supported.

22 Rep. Tornow's motion lost.

23 The question being "Shall HB 1143 pass as amended?"

24 And the roll being called:

25 Yeas 27, Nays 43, Excused 0, Absent 0

26 Yeas:

27 Brunner; Deelstra; Dennert; Greenfield; Hansen (Jon); Hawley; Hickey; Hubbel; Iron Cloud III;
28 Jensen; Jones; Killer; Kirkeby; Kopp; Liss; Lucas; Lust; Miller; Munsterman; Nelson (Stace);
29 Olson (Betty); Russell; Steele; Stricherz; Tornow; Van Gerpen; Venner

1 Nays:

2 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Dryden; Elliott; Fargen;
3 Feickert; Feinstein; Gibson; Gosch; Haggar; Hoffman; Hunhoff (Bernie); Hunt; Kirschman;
4 Kloucek; Magstadt; Moser; Novstrup (David); Perry; Romkema; Rozum; Schaefer; Schrempp;
5 Scott; Sigdestad; Sly; Solum; Street; Tulson; Turbiville; Vanneman; Verchio; White; Wick;
6 Willadsen; Wink; Wismer; Speaker Rausch

7 So the bill not having received an affirmative vote of a majority of the members-elect, the
8 Speaker declared the bill lost.

9 HB 1181: FOR AN ACT ENTITLED, An Act to revise certain requirements concerning
10 the qualifications of petition circulators.

11 Was read the second time.

12 Rep. Gosch moved that HB 1181 be laid on the table.

13 The question being on Rep. Gosch's motion that HB 1181 be laid on the table.

14 And the roll being called:

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

16 Yeas:

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

24 Nays:

25 Kirkeby; Nelson (Stace)

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the motion carried and HB 1181 was tabled.

28 HB 1117: FOR AN ACT ENTITLED, An Act to provide for the taking of muskrats by
29 shooting under certain conditions.

30 Was read the second time.

31 The question being "Shall HB 1117 pass?"

1 And the roll being called:

2 Yeas 63, Nays 7, Excused 0, Absent 0

3 Yeas:

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

11 Nays:

12 Gibson; Hawley; Iron Cloud III; Kirschman; Lucas; Turbiville; White

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 1223: FOR AN ACT ENTITLED, An Act to exempt from sales tax certain handling
16 fees paid by religious organizations to approved relief agencies for the distribution of food
17 which is provided for the assistance or relief of the poor, distressed, or underprivileged through
18 food giveaway programs.

19 Was read the second time.

20 The question being "Shall HB 1223 pass?"

21 And the roll being called:

22 Yeas 70, Nays 0, Excused 0, Absent 0

23 Yeas:

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

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 1017: FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration
2 to construct a maintenance shop in Pierre, to make an appropriation therefor, and to declare an
3 emergency.

4 Was read the second time.

5 The question being "Shall HB 1017 pass?"

6 And the roll being called:

7 Yeas 53, Nays 17, Excused 0, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Dennert; Dryden;
10 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Hawley; Hickey; Hoffman; Hunhoff
11 (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirschman; Lucas; Lust; Magstadt; Miller; Moser;
12 Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;
13 Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; White;
14 Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Nays:

16 Deelstra; Greenfield; Haggar; Hansen (Jon); Hubbel; Jensen; Kirkeby; Kloucek; Kopp; Liss;
17 Nelson (Stace); Olson (Betty); Russell; Steele; Tornow; Venner; Verchio

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

20 HB 1157: FOR AN ACT ENTITLED, An Act to repeal the Governor's authority to enter
21 the Midwestern Regional Higher Education Compact on behalf of the state, to repeal the
22 Midwestern Regional Higher Education Compact, to provide for withdrawal of South Dakota
23 from the compact, and to declare an emergency.

24 Was read the second time.

25 Rep. Cronin moved the previous question.

26 Which motion prevailed.

27 The question being "Shall HB 1157 pass?"

28 And the roll being called:

29 Yeas 37, Nays 32, Excused 1, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Carson; Conzet; Deelstra; Gibson; Gosch; Greenfield; Haggar; Hansen
3 (Jon); Hickey; Hubbel; Jensen; Kopp; Lucas; Magstadt; Miller; Moser; Nelson (Stace); Rozum;
4 Russell; Schaefer; Scott; Solum; Steele; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman;
5 Venner; Verchio; White; Wick; Willadsen; Wink

6 Nays:

7 Boomgarden; Brunner; Cronin; Dennert; Dryden; Elliott; Fargen; Feickert; Hawley; Hoffman;
8 Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby; Kirschman; Kloucek; Liss; Lust;
9 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Schrempp; Sigdestad; Sly;
10 Street; Tornow; Wismer; Speaker Rausch

11 Excused:

12 Feinstein

13 So the bill not having received an affirmative vote of a two-thirds majority of the members-
14 elect, the Speaker declared the bill lost.

15 Pursuant to Joint Rule 5-13.1, HB 1157 was up for immediate reconsideration.

16 1157xa

17 Rep. Gosch moved that HB 1157 be amended as follows:

18 On page 9 of the printed bill, delete lines 3 to 5, inclusive.

19 Rep. Tornow requested that Joint Rule 5-17 be invoked on HB 1157.

20 Which request was not supported.

21 Rep. Gosch's motion prevailed.

22 The question being "Shall HB 1157 pass as amended?"

23 And the roll being called:

24 Yeas 36, Nays 33, Excused 1, Absent 0

25 Yeas:

26 Abdallah; Blake; Bolin; Carson; Conzet; Deelstra; Gibson; Gosch; Greenfield; Haggar; Hansen
27 (Jon); Hickey; Hubbel; Jensen; Kopp; Lucas; Magstadt; Miller; Moser; Nelson (Stace); Olson
28 (Betty); Rozum; Russell; Schaefer; Scott; Solum; Steele; Tulson; Turbiville; Van Gerpen;
29 Vanneman; Venner; Verchio; White; Wick; Wink

1 Nays:

2 Boomgarden; Brunner; Cronin; Dennert; Dryden; Elliott; Fargen; Feickert; Hawley; Hoffman;
3 Hunhoff (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby; Kirschman; Kloucek; Liss; Lust;
4 Munsterman; Novstrup (David); Perry; Romkema; Schrempp; Sigdestad; Sly; Street; Stricherz;
5 Tornow; Willadsen; Wismer; Speaker Rausch

6 Excused:

7 Feinstein

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 Speaker declared the bill passed.

10 The question being on the title.

11 1157xta

12 Rep. Greenfield moved that the title to HB 1157 be amended as follows:

13 On page 1, line 4, of the printed bill, delete ", and to declare an emergency".

14 Which motion prevailed and the title was so amended.

15 HB 1131: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
16 posting of public notice for meetings of public bodies.

17 Was read the second time.

18 1131ta

19 Rep. Tulson moved that HB 1131 be amended as follows:

20 On page 1, line 9, of the printed bill, after the first "website" insert "upon dissemination
21 of the notice".

22 Which motion prevailed.

23 The question being "Shall HB 1131 pass as amended?"

24 And the roll being called:

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

1 Yeas:

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

9 Nays:

10 Blake; Feinstein; Tornow

11 Excused:

12 Russell

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 1162: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
16 platting and annexation of subdivisions.

17 Was read the second time.

18 The question being "Shall HB 1162 pass?"

19 And the roll being called:

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

21 Yeas:

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

29 Nays:

30 Iron Cloud III; Kloucek

31 Excused:

32 Hubbel

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

1 HB 1172: FOR AN ACT ENTITLED, An Act to exempt certain developer-installed storm
2 sewer detention ponds from public procurement bid requirements.

3 Was read the second time.

4 The question being "Shall HB 1172 pass?"

5 And the roll being called:

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

7 Yeas:

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

15 Nays:

16 Hansen (Jon); Kloucek; Tornow

17 Excused:

18 Russell

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

21 HB 1263: FOR AN ACT ENTITLED, An Act to provide for mandatory HIV testing for
22 any person convicted of prostitution or solicitation of prostitution and to provide for appropriate
23 utilization of the test results.

24 Was read the second time.

25 The question being "Shall HB 1263 pass?"

26 And the roll being called:

27 Yeas 70, Nays 0, Excused 0, 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; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
9 Wismer; Speaker Rausch

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

12 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 Rep. Cronin moved that SB 3, 55, 16, and 17 be deferred to Tuesday, February 7, the
14 16th legislative day.

15 Which motion prevailed.

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

17 **REPORTS OF STANDING COMMITTEES**

18 MR. SPEAKER:

19 The Committee on Judiciary respectfully reports that it has had under consideration
20 HB 1212 and returns the same with the recommendation that said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on Judiciary respectfully reports that it has had under consideration
23 HB 1247 and returns the same with the recommendation that said bill be referred to the
24 Committee on Local Government.

25 Also MR. SPEAKER:

26 The Committee on Judiciary respectfully reports that it has had under consideration
27 HB 1053 which was tabled.

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration
3 HB 1204 and 1218 which were deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Roger W. Hunt, Chair

6 Also MR. SPEAKER:

7 The Committee on Legislative Procedure respectfully reports that HB 1014 was delivered
8 to his Excellency, the Governor, for his approval at 9:45 a.m., February 6, 2012.

9 Respectfully submitted,
10 Val Rausch, Chair

11 **SIGNING OF BILLS**

12 The Speaker publicly read the title to

13 SB 2: FOR AN ACT ENTITLED, An Act to repeal and to make style and form revisions
14 to certain provisions related to the Department of Human Services.

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

17 SB 21: FOR AN ACT ENTITLED, An Act to repeal and revise certain outdated provisions
18 relating to the Department of Human Services.

19 SB 24: FOR AN ACT ENTITLED, An Act to require certain applicants for licensure as
20 a health professional or a licensee who is the subject of a disciplinary investigation to submit
21 to a state and federal criminal background check.

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

23 **COMMEMORATIONS**

24 HC 1011 Introduced by: Representatives Hoffman, Brunner, Cronin, Fargen, Hunhoff
25 (Bernie), Kloucek, Kopp, Lust, Olson (Betty), Schaefer, Schrempp, Scott, Sigdestad, Street, Van
26 Gerpen, and Verchio and Senators Krebs, Begalka, Frerichs, Fryslie, Hansen (Tom),
27 Rampelberg, Rhoden, and Vehle

1 A LEGISLATIVE COMMEMORATION, Congratulating State Representative Kim Vanneman
2 of Ideal, for receiving the South Dakota Corn Growers Outstanding Legislative Leadership
3 award.

4 WHEREAS, Representative Kim Vanneman has represented Gregory and Tripp counties
5 in District 26B since 2007; and

6 WHEREAS, while serving as chair of the House Agriculture and Natural Resources
7 Committee of the South Dakota Legislature, Representative Vanneman has worked with
8 representatives and leadership members to maintain the state's business-friendly status, which
9 benefits value-added agriculture and South Dakota's agricultural economy; and

10 WHEREAS, Representative Vanneman has worked to ensure fair property taxes on
11 agricultural land; and

12 WHEREAS, Representative Vanneman has supported legislation that encourages the use
13 of ethanol and alternative fuels, as well as numerous initiatives to promote South Dakota
14 agriculture and the economic well-being of this state:

15 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
16 the State of South Dakota, that the South Dakota Legislature congratulates and commends
17 Representative Kim Vanneman for her achievements and for her commitment to South Dakota
18 agriculture.

19 HC 1012 Introduced by: Representatives Kloucek, Brunner, Sly, and Van Gerpen and
20 Senator Putnam

21 A LEGISLATIVE COMMEMORATION, Commending and honoring the Armour School
22 District Board of Education, on receiving the Associated School Boards of South Dakota
23 School Board Award of Excellence for 2012.

24 WHEREAS, the Armour School Board exemplifies the traits of a highly effective school
25 board, and focuses its time and energy to improve achievement for all students; and

26 WHEREAS, the Armour School Board is forward-thinking and continually focused on
27 preparing students to succeed in the twenty-first century; and

28 WHEREAS, the Armour School Board has exemplified how committed local leaders can
29 impact the future of our children, our communities, and our state; and

30 WHEREAS, the Armour School District is breaking new ground by raising expectations for
31 students and incorporating project-based learning, pre-kindergarten and after-school programs,
32 and the implementation of a one-to-one laptop program for high school students; and

33 WHEREAS, the Armour School Board has worked closely with dedicated educators and a
34 supportive community to keep a sharp focus on improving student learning:

1 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
2 the State of South Dakota, that, during 2012, the Armour School Board is hereby an official
3 representative of the state and shall continue its efforts to seek improvement of educational
4 opportunities for the elementary and secondary students of the state.

5 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
6 4:44 p.m. the House adjourned.

7

Karen Gerdes, Chief Clerk