

JOURNAL OF THE HOUSE

FIRST SPECIAL SESSION OF THE NINETY-SIXTH LEGISLATURE

FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, November 08, 2021

BE IT REMEMBERED, That on the eighth day of November, A.D., two thousand twenty one, at the hour of ten o'clock meridian, being the day and hour named by the presiding officers of both houses of the Legislature, for the convening of the Legislature in the First Special Session, the House of Representatives in the Capitol, in the city of Pierre, in the county of Hughes, and the state of South Dakota, the seat of government thereof, was called to order by Speaker Spencer Gosch.

The following prayer was offered by Pastor Emily Munger, Pierre/Fort Pierre Ministerial Association, Pierre, South Dakota:

God of the Universe and God of our hearts,

We are grateful for the gift of today, the opportunity to make collective decisions for the sake of bettering our communities. Give us leaders humble hearts as we acknowledge the gravity of choices made on behalf of others. Grant us listening spirits and discerning minds, strength and courage, energy and compassion. We invoke the wisdom of saints who have gone before us today, and we ask for hearts like the children who will follow us in tending our communities. For the sake of every single South Dakotan in our care, may we find shared commitments outweigh that which divides. Teach us how to love our neighbors as ourselves, in the great name of Jesus we pray, Amen.

The Pledge of Allegiance to the flag was recited by the members of the House.

1 I, STEVEN J. BARNETT, Secretary of State of the state of South Dakota, do hereby certify that
2 the elected members of the House of Representatives at the general election held on November 3,
3 2020 were certified on November 10, 2020 or November 23, 2020. I do hereby certify that these
4 are the members of the South Dakota House of Representatives for the 2021 Special Legislative
5 Session.

6 District No. 1: Brown, Day, Marshall and Roberts Counties
7 Jennifer Keintz, Eden
8 Tamara St John, Sisseton

9 District No. 2: Brown, Clark, Hamlin and Spink Counties
10 Lana Greenfield, Doland
11 Kaleb W. Weis, Aberdeen

12 District No. 3: Brown County
13 Carl E Perry, Aberdeen
14 Drew Dennert, Aberdeen

15 District No. 4: Brookings, Codington, Deuel and Grant Counties
16 Fred Deutsch, Florence
17 John Mills, Volga

18 District No. 5: Codington County
19 Hugh M. Bartels, Watertown
20 Nancy York, Watertown

21 District No. 6: Lincoln County
22 Aaron Aylward, Harrisburg
23 Ernie Otten, Tea

24 District No. 7: Brookings County
25 Larry Tidemann, Brookings
26 Tim Reed, Brookings

27 District No. 8: Lake, Miner, Moody and Sanborn Counties
28 Marli Wiese, Madison
29 Randy Gross, Elkton

30 District No. 9: Minnehaha County
31 Rhonda Milstead, Hartford
32 Bethany Soye, Sioux Falls

33 District No. 10: Minnehaha County
34 Doug Barthel, Sioux Falls
35 Steven Haugaard, Sioux Falls

36 District No. 11: Minnehaha County
37 Mark K. Willadsen, Sioux Falls
38 Chris Karr, Sioux Falls

39 District No. 12: Lincoln and Minnehaha Counties
40 Arch Beal, Sioux Falls
41 Greg Jamison, Sioux Falls

42 District No. 13: Lincoln and Minnehaha Counties
43 Richard Thomason, Sioux Falls
44 Sue Peterson, Sioux Falls

45 District No. 14: Minnehaha County
46 Taylor Rehfeldt, Sioux Falls
47 Erin Healy, Sioux Falls

1	District No. 15:	Minnehaha County
2		Linda Duba, Sioux Falls
3		Jamie Smith, Sioux Falls
4	District No. 16:	Lincoln and Union Counties
5		David L. Anderson, Hudson
6		Kevin D. Jensen, Canton
7	District No. 17:	Clay and Turner Counties
8		Richard Vasgaard, Centerville
9		Sydney Davis, Burbank
10	District No. 18:	Yankton County
11		Ryan Cwach, Yankton
12		Mike Stevens, Yankton
13	District No. 19:	Bon Homme, Douglas, Hanson, Hutchinson and McCook Counties
14		Kent S. Peterson, Salem
15		Marty Overweg, New Holland
16	District No. 20:	Aurora, Davison and Jerauld Counties
17		Paul R. Miskimins, Mitchell
18		Lance Koth, Mitchell
19	District No. 21:	Bon Homme, Charles Mix, Gregory and Tripp Counties
20		Caleb Finck, Tripp
21		Rocky Blare, Ideal
22	District No. 22:	Beadle and Kingsbury Counties
23		Roger Chase, Huron
24		Lynn Schneider, Huron
25	District No. 23:	Campbell, Edmunds, Faulk, Hand, McPherson, Potter, Spink and
26		Walworth Counties
27		Spencer Gosch, Glenham
28		Charlie Hoffman, Eureka
29	District No. 24:	Hughes, Hyde, Stanley and Sully Counties
30		Will Mortenson, Pierre
31		Mike Weisgram, Pierre
32	District No. 25:	Minnehaha County
33		Jon Hansen, Dell Rapids
34		Tom Pischke, Dell Rapids
35	District No. 26A:	Mellette and Todd Counties
36		Shawn Bordeaux, Mission
37	District No. 26B:	Brule, Buffalo, Jones and Lyman Counties
38		Rebecca Reimer, Chamberlain
39	District No. 27:	Bennett, Haakon, Jackson, Oglala Lakota and Pennington Counties
40		Liz May, Kyle
41		Peri Pourier, Pine Ridge
42	District No. 28A:	Corson, Dewey and Ziebach Counties
43		Oren Lesmeister, Parade
44	District No. 28B:	Butte, Harding and Perkins Counties
45		Sam Marty, Prairie City

1	District No. 29:	Butte, Meade and Pennington Counties
2		Kirk Chaffee, Whitewood
3		Dean Wink, Howes
4	District No. 30:	Custer, Fall River and Pennington Counties
5		Trish Ladner, Hot Springs
6		Tim R. Goodwin, Rapid City
7	District No. 31:	Lawrence County
8		Mary J. Fitzgerald, Saint Onge
9		Scott Odenbach, Spearfish
10	District No. 32:	Pennington County
11		Becky J. Drury, Rapid City
12		Chris Johnson, Rapid City
13	District No. 33:	Meade and Pennington Counties
14		Taffy Howard, Rapid City
15		Phil Jensen, Rapid City
16	District No. 34:	Pennington County
17		Jess Olson, Rapid City
18		Mike Derby, Rapid City
19	District No. 35:	Pennington County
20		Tina L Mulally, Rapid City
21		Tony Randolph, Rapid City

22 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the state
23 of South Dakota, this 8th day of November 2021.

24 Steven J. Barnett
25 Secretary of State

26 When the roll was called, all members were present except Reps. Peterson (Sue) and Pourier
27 who were excused.

28 MOTIONS AND RESOLUTIONS

29 Rep. Kent Peterson moved that the House do now proceed with the organization of the House
30 of Representatives.

31 Which motion prevailed.

32 Representative Spencer Gosch was elected Speaker of the House for the 2021-22 legislative
33 term on January 12, 2021. Representative Jon Hansen was elected Speaker Pro Tempore for the
34 2021-22 legislative term on January 12, 2021.

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

37 Rep. Kent Peterson nominated Ms. Patricia Miller as Chief Clerk of the House of
38 Representatives.

1 And the roll being called:

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

3 Yeas:

4 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
5 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
6 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
7 Koth, Ladner, Lesmeister, Marty, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson,
8 Ernie Otten, Overweg, Perry, Kent Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, Schneider,
9 Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese,
10 Willadsen, Wink, York, and Speaker Gosch

11 Excused:

12 May, Sue Peterson, and Pourier

13 Ms. Miller, having received an affirmative vote of the majority of the members-elect, was
14 declared duly elected.

15 The oath of office was administered to Ms. Miller by Speaker Gosch.

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

17 The Speaker announced the appointment of the following employees of the House of
18 Representatives for the First Special Session of the Ninety-sixth Legislative Session:

19 First Assistant to the Chief Clerk – Mary Beth Fravel

20 Second Assistant to the Chief Clerk – Judy Page

21 Third Assistant to the Chief Clerk – Shirleen Fugitt

22 Sergeant at Arms – Jim Smith

23 Assistant to the Sergeant at Arms – Rollie Borth

24 Committee Secretary – Pam Kean

25 The oath of office was administered by Speaker Gosch to the following named employees:

26 First Assistant to the Chief Clerk – Mary Beth Fravel

27 Second Assistant to the Chief Clerk – Judy Page

28 Third Assistant to the Chief Clerk – Shirleen Fugitt

29 Sergeant at Arms – Jim Smith

30 Assistant to the Sergeant at Arms – Rollie Borth

31 Committee Secretary – Pam Kean

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

1 Rep. Kent Peterson moved that a committee of three on the part of the House be appointed
2 to meet with a like committee on the part of the Senate relative to the joint rules for the two houses
3 for the First Special Session of Ninety-sixth Legislative Session.

4 Which motion prevailed and the Speaker appointed as such committee Reps. Gosch, Kent
5 Peterson, and Jamie Smith.

6 ANNOUNCEMENTS

7 The Speaker announced the appointment of the following standing committees.

8 **** Denotes Chair**

*** Denotes Vice-Chair**

9 LEGISLATIVE PROCEDURE (7)

10 ****Gosch, *Hansen,** Finck, Haugaard, Johnson (Chris), Peterson (Kent), Healy

11 STATE AFFAIRS (13)

12 ****Peterson (Kent), *Johnson (Chris),** Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen,
13 Jensen (Kevin), Reimer, Wiese, Lesmeister, Smith (Jamie)

14 CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES

15 MR. SPEAKER:

16 Your Joint-Select Committee appointed on joint rules respectfully reports that it has had under
17 consideration the joint rules and recommends that the joint rules of the Ninety-sixth Legislative
18 Session be adopted with the following exceptions:

19 Whereas Article III, Section 31 of the South Dakota Constitution empowers the Legislature
20 to call itself into special session and the Legislature having issued a proclamation calling a special
21 session for the sole purpose of redistricting the Legislature; and

22 Whereas Article III, Section 9 of the South Dakota Constitution provides that the Legislature
23 shall determine the rules of its proceedings, your Joint-Select Committee appointed for the purpose
24 of preparing rules for the Special Session respectfully reports that the rules of the regular session
25 of the Ninety-sixth Legislative Session be made the rules of the Senate and House during the Special
26 Session with the following exceptions and that such printing of the rules in the journal be dispensed
27 with:

28 Special Rule No. 1: Notwithstanding any other rule, the presiding officer of the House may
29 dispense with the referral of a bill or resolution to a standing committee. Notwithstanding any other
30 rule, the presiding officer of the Senate may dispense with the referral of a bill to a standing
31 committee.

32 Special Rule No. 2: Any member of the House may introduce, at any time during this Special
33 Session, any bill or resolution germane to the proclamation. Any member of the Senate may
34 introduce, at any time during the Special Session, any bill germane to the proclamation. None of
35 the deadlines in regard to bill or resolution introduction and hearing shall apply to the Special Session
36 in the House. None of the deadlines in regard to bill introduction and hearing shall apply to the
37 Special Session in the Senate.

1 Special Rule No. 3: The presiding officers of the House and the Senate may appoint the
2 officers and employees for the respective bodies as they deem necessary to carry out the activities
3 of the respective houses.

4 Special Rule No. 4: No rules dealing with a call of the house shall apply to the Special
5 Session, except that the attendance of any member who has answered the initial roll call each day
6 may be compelled by the presiding officer.

7 Special Rule No. 5: No rules, including, but not limited to, Joint Rules 5-17 and 7-7, dealing
8 with required delivery of bills and placement of bills or resolutions on the calendar, shall apply to
9 the Special Session; and the placement of House bills or resolutions, or Senate bills, on the calendar
10 for second reading shall be determined by a majority vote of the members-elect.

11 Special Rule No. 6: Rules dealing with the order of business shall prevail, provided, however,
12 that the order of business may be changed by a majority vote of the members-elect, thereby
13 bringing up any item of action by such vote. The proclamation calling the Legislature into Special
14 Session shall govern the consideration of all bills and resolutions and the body shall determine the
15 germaneness of a given bill and resolution to the proclamation.

16 Special Rule No. 7: Rules dealing with fiscal notes shall not apply to the Special Session.

17 Special Rule No. 8: The whole body of either house or of both houses may, upon appropriate
18 motion or motions, convene as a committee of the whole for the sole purpose of taking testimony
19 and allowing the questioning of witnesses, regarding any bill or resolution that has been introduced
20 in either chamber within the scope of these rules and the proclamation convening this special
21 session. Joint Rule 9-1, pertaining to the designation of a chair of a committee of the whole, does
22 not apply. The President pro tempore may preside over any committee of the whole of the Senate.
23 The Speaker of the House may preside over any committee of the whole of the House.

24 Special Rule No. 9: Joint Rules 2-1 and 2-4, relating to access to the floor of each chamber,
25 do not apply to any individual entering the floor of the House or Senate for the sole purpose of
26 providing testimony to, or answering the questions of, a committee of the whole of either house or
27 of both houses.

28 Special Rule No. 10: No rules dealing with the printing and distribution of House bills or
29 resolutions, or Senate bills, shall apply to the Special Session. The Legislative Research Council and
30 Secretary of State shall provide photocopies of bills introduced to the public and legislative agents.

31 Special Rule No. 11: At the conclusion of the Special Session, the Chief Clerk of the House
32 and the Secretary of the Senate shall review the journal prepared and make the necessary
33 corrections and provide the contract printer with the corrected journal for distribution to those who
34 subscribed to journals during the regular Ninety-sixth Legislative Session.

35 Special Rule No. 12: Notwithstanding Joint Rule 11-1, House Rule H4-1, and Senate Rule
36 S5-1, a majority of the members-elect of either house may suspend, adopt, or amend any of the
37 rules.

38 Respectfully submitted,
39 Spencer Gosch
40 Kent Peterson
41 Jamie Smith
42 House Committee

Respectfully submitted,
Lee Schoenbeck
Gary Cammack
Troy Heinert
Senate Committee

1 Rep. Kent Peterson moved that the report of the Joint-Select Committee relative to the joint
2 rules for the First Special Session of the Ninety-sixth Legislative Session be adopted.

3 The question being on Rep. Kent Peterson's motion that the report of the Joint-Select
4 Committee relative to the rules for the First Special Session of the Ninety-sixth Legislative Session
5 be adopted.

6 And the roll being called:

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

8 Yeas:

9 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
10 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
11 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
12 Koth, Ladner, Lesmeister, Marty, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson,
13 Ernie Otten, Overweg, Perry, Kent Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, Schneider,
14 Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese,
15 Willadsen, Wink, York, and Speaker Gosch

16 Excused:

17 May, Sue Peterson, and Pourier

18 So the motion having received an affirmative vote of a majority of the members elect, the
19 Speaker declared the motion prevailed.

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

21 **HB 1001:** FOR AN ACT ENTITLED, An Act to provide for the decennial redistricting of the
22 Legislature.

23 Introduced by: **Representative** Kent Peterson

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

25 Speaker Gosch moved that the House do now recess until after the Committee on State Affairs
26 adjourns.

27 Which motion prevailed, and at 10:21 a.m., the House recessed.

28 **RECESS**

29 The House reconvened at 12:34 p.m., the Speaker presiding.

30 There being no objection, the House reverted to Order of Business No. 7 - Messages from the
31 Senate.

MESSAGES FROM THE SENATE

1
2 MR. SPEAKER:

3 I have the honor to inform your honorable body that the Senate has appointed
4 Sens. Schoenbeck, Cammack, and Heinert as a committee of three on the part of the Senate to
5 meet with a like committee on the part of the House relative to the Joint Rules for the First Special
6 Session of the Ninety-sixth Legislative Session.

7
8 Respectfully,
Kay Johnson, Secretary

9 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
10 Committees.

REPORTS OF STANDING COMMITTEES

11
12 MR. SPEAKER:

13 The Committee on House State Affairs respectfully reports that it has had under consideration
14 **HB 1001** and returns the same with the recommendation that said bill do pass.

15
16 Respectfully submitted,
Kent Peterson, Chair

17 There being no objection, the House reverted to Order of Business No. 13 - Second Reading of
18 House Bills.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

19
20 **HB 1001**: FOR AN ACT ENTITLED, An Act to provide for the decennial redistricting of the
21 Legislature.

22 Was read the second time.

23 The question being "Shall **HB 1001** pass?"

24 And the roll being called:

25 Yeas 48, Nays 20, Excused 2, Absent 0

26 Yeas:

27 Anderson, Aylward, Barthel, Chaffee, Dennert, Deutsch, Finck, Fitzgerald, Goodwin, Lana
28 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris
29 Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,
30 Ernie Otten, Overweg, Perry, Kent Peterson, Pischke, Randolph, Reimer, Soye, St. John, Thomason,
31 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

32 Nays:

33 Bartels, Beal, Blare, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba, Healy, Keintz,
34 Lesmeister, Olson, Reed, Rehfeldt, Schneider, Jamie Smith, Stevens, and Tidemann

1 Excused:
2 Sue Peterson and Pourier

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

5 Speaker Gosch moved that the House do now recess until it receives the report from the
6 Senate.

7 Which motion prevailed, and at 12:56 p.m., the House recessed.

8 **RECESS**

9 The House reconvened at 2:37 p.m., the Speaker presiding.

10 There being no objection, the House reverted to Order of Business No. 7 - Messages from the
11 Senate.

12 **MESSAGES FROM THE SENATE**

13 Mr. SPEAKER:

14 I have the honor to transmit herewith **SB 1** which has passed the Senate and your favorable
15 consideration is respectfully requested.

16 Respectfully,
17 Kay Johnson, Secretary

18 There being no objection, the House reverted to Order of Business No. 11 - First Reading of
19 Senate Bills.

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

21 **SB 1:** FOR AN ACT ENTITLED, An Act to provide for the decennial redistricting of the
22 Legislature.

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

24 Speaker Gosch moved that the House do now recess until later this afternoon.

25 Which motion prevailed and at 2:39 p.m., the House recessed.

26 **RECESS**

27 The House reconvened at 3:18 p.m., the Speaker presiding.

1 There being no objection, the House reverted to Order of Business No. 7 - Messages from the
2 Senate.

3 **MESSAGES FROM THE SENATE**

4 Mr. SPEAKER:

5 I have the honor to return herewith **HB 1001** which has been amended by the Senate and
6 your concurrence in the amendments is respectfully requested.

7 Respectfully,
8 Kay Johnson, Secretary

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Kent Peterson moved that the House do not concur in Senate amendments to **HB 1001**
11 and that a committee of three on the part of the House be appointed to meet with a like committee
12 on the part of the Senate to adjust the differences between the two houses.

13 And the roll being called:

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

15 Yeas:

16 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
17 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
18 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
19 Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,
20 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer,
21 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
22 Wiese, Willadsen, Wink, York, and Speaker Gosch

23 Excused:

24 Sue Peterson and Pourier

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the motion prevailed and the Speaker appointed as such committee
27 Representatives Kent Peterson (Chair), Gosch, and Cwach.

28 Speaker Gosch moved that the House do now recess until later this afternoon.

29 Which motion prevailed and at 3:22 p.m., the House recessed.

30 **RECESS**

31 The House reconvened at 9:07 p.m., the Speaker presiding.

32 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 2:00 p.m.
33 on Tuesday, November 9, 2021 the 2nd legislative day.

34 Which motion prevailed.

1 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 9:07 p.m.
2 the House adjourned.

3

Patricia Miller, Chief Clerk