

JOURNAL OF THE SENATE

SECOND SPECIAL SESSION OF THE NINETY-SIXTH LEGISLATURE

FIRST DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, November 09, 2021

BE IT REMEMBERED, That on the ninth 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 Second Special Session, the Senate 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 Lieutenant Governor Larry Rhoden, President of the Senate.

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

Creator, Redeemer, and Spirit,

We yearn for your presence among us today. Grant calm minds and hearts in discerning a shared future that honors every stakeholder as the child of God they are. Help us engage in the hard and weighty work of listening. Allow our hearts to be moved and shaped by your love, which knows no bounds. Give us a spirit of justice and mercy, compassion and grace. May our voices lift truth and our hands be of service to our neighbors. Thank you for the gift of community and the ability to discern a way forward that honors each person's unique needs and perspectives. May your kingdom come on earth as it is in heaven, Amen.

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

I, STEVE BARNETT, Secretary of State of the state of South Dakota, do hereby certify that the following members, having been duly elected to the Senate at the general election held on November 3, 2020, and were certified on November 10, 2020. I do hereby certify that these are the members of the South Dakota Senate for the 2021 Special Legislative Session.

District No. 1 Brown, Day, Marshall and Roberts Counties
Michael H. Rohl, Aberdeen

District No. 2 Brown, Clark, Hamlin and Spink Counties
Brock L. Greenfield, Clark

District No. 3 Brown County
Al Novstrup, Aberdeen

District No. 4 Brookings, Codington, Deuel, and Grant Counties
John Wiik, Big Stone City

District No. 5 Codington County
Lee Schoenbeck, Watertown

District No. 6 Lincoln County
Herman Otten, Tea

District No. 7 Brookings County
V.J. Smith, Brookings

District No. 8 Lake, Miner, Moody and Sanborn Counties
Casey Crabtree, Madison

District No. 9 Minnehaha County
Wayne Steinhauer, Hartford

District No. 10 Minnehaha County
Maggie Sutton, Sioux Falls

District No. 11 Minnehaha County
Jim Stalzer, Sioux Falls

District No. 12 Lincoln and Minnehaha Counties
Blake Curd, Sioux Falls

District No. 13 Lincoln and Minnehaha Counties
Jack Kolbeck, Sioux Falls

District No. 14 Minnehaha County
Larry Zikmund, Sioux Falls

District No. 15 Minnehaha County
Reynold F. Nesiba, Sioux Falls

District No. 16 Lincoln and Union Counties
Jim Bolin, Canton

District No. 17 Clay and Turner Counties
Arthur L. Rusch, Vermillion

District No. 18 Yankton County
Jean Hunhoff, Yankton

District No. 19 Bon Homme, Douglas, Hanson, Hutchinson and McCook Counties
Kyle Schoenfish, Scotland

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- 1 District No. 20 Aurora, Davison and Jerauld Counties
2 Joshua Klumb, Mount Vernon
- 3 District No. 21 Bon Homme, Charles Mix, Gregory and Tripp Counties
4 Erin Tobin, Winner
- 5 District No. 22 Beadle and Kingsbury Counties
6 David Wheeler, Huron
- 7 District No. 23 Campbell, Edmunds, Faulk, Hand, McPherson, Potter, Spink and Walworth
8 Counties
9 Bryan J. Breitling, Miller
- 10 District No. 24 Hughes, Hyde, Stanley and Sully Counties
11 Mary Duvall, Pierre
- 12 District No. 25 Minnehaha County
13 Marsha Symens, Dell Rapids
- 14 District No. 26 Brule, Buffalo, Jones, Lyman, Mellette and Todd Counties
15 Troy E. Heinert, Mission
- 16 District No. 27 Bennett, Haakon, Jackson, Oglala Lakota and Pennington Counties
17 Red Dawn Foster, Pine Ridge
- 18 District No. 28 Butte, Corson, Dewey, Harding, Perkins and Ziebach Counties
19 Ryan M. Maher, Isabel
- 20 District No. 29 Butte, Meade and Pennington Counties
21 Gary L. Cammack, Union Center
- 22 District No. 30 Custer, Fall River and Pennington Counties
23 Julie Frye-Mueller, Rapid City
- 24 District No. 31 Lawrence County
25 Timothy R. Johns, Lead
- 26 District No. 32 Pennington County
27 Helene Duhamel, Rapid City
- 28 District No. 33 Meade and Pennington Counties
29 David Johnson, Rapid City
- 30 District No. 34 Pennington County
31 Michael Diedrich, Rapid City
- 32 District No. 35 Pennington County
33 Jessica Castleberry, Rapid City

34 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the state
35 of South Dakota, this 9th day of November, 2021.

36 Steven J. Barnett
37 Secretary of State

38 When the roll was called, all members were present except Sens. Curd and Heinert who were
39 excused.

MOTIONS AND RESOLUTIONS

Sen. Cammack moved that the Senate do now proceed with the organization of the Senate.

Which motion prevailed.

Senator Lee Schoenbeck was elected President Pro Tempore for the 2021-22 legislative term on January 12, 2021.

Sen. Cammack moved that Kay Johnson be elected Secretary of the Senate for the Second Special Session of the Ninety-sixth Legislative Session.

The question being on Sen. Cammack's motion that Kay Johnson be elected Secretary of the Senate for the Second Special Session of the Ninety-sixth Legislative Session.

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

Excused:

Curd and Heinert

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

The oath of office was administered by Lieutenant Governor Larry Rhoden, President of the Senate, to Secretary of the Senate Kay Johnson.

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

The President Pro Tempore appointed the following employees for the Second Special Session of the Ninety-sixth Legislative Session:

First Assistant to the Secretary – Mike Oakland

Second Assistant to the Secretary – Marcy Fifield

Sergeant at Arms – Dave Bonde

Assistant Sergeant at Arms – Gary Hoscheid

Committee Secretary – Lorna Shell

The oath of office was administered to the following employees by the Lieutenant Governor Larry Rhoden, President of the Senate, and the same were filed in the office of the Secretary of State:

First Assistant to the Secretary – Mike Oakland

Second Assistant to the Secretary – Marcy Fifield

1 Sergeant at Arms – Dave Bonde

2 Assistant Sergeant at Arms – Gary Hoscheid

3 Committee Secretary – Lorna Shell

4 Sen. Cammack moved that a committee of three on the part of the Senate be appointed to
5 meet with a like committee on the part of the House relative to the joint rules for the two houses
6 for the Second Special Session of the Ninety-sixth Legislative Session.

7 Which motion prevailed and the President appointed as such committee Sens. Schoenbeck,
8 Cammack, and Nesiba.

9 **ANNOUNCEMENTS**

10 The President announced the appointment of the following standing committee and waived the
11 reading with no objections.

12 **** Denotes Chair**

*** Denotes Vice-Chair**

13 **Legislative Procedure (7)**

14 ****Schoenbeck, *Cammack**, Crabtree, Diedrich, Duhamel, Schoenfish, Nesiba

15 **CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

16 MR. PRESIDENT:

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

20 Whereas Article III, Section 31 of the South Dakota Constitution empowers the Legislature
21 to call itself into special session and the Legislature having issued a proclamation calling a special
22 session for the purpose of investigating and evaluating whether the conduct of Jason Ravensborg,
23 Attorney General of the State of South Dakota, surrounding the death of Joe Boever, involved
24 impeachable offenses, Article XVI, Section 3 of the South Dakota Constitution, and if so to conduct
25 further impeachment proceedings there on and legislate on matters involving the attorney general's
26 office; and

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

33 Special Rule No. 1: Notwithstanding any other rule, the presiding officer may dispense with
34 the referral of a bill or resolution to a standing committee.

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,
Spencer Gosch
Kent Peterson
Jamie Smith
House Committee

Respectfully submitted,
Lee Schoenbeck
Gary Cammack
Troy Heinert
Senate Committee

Sen. Cammack moved that the report of the Joint-Select Committee relative to the joint rules for the Second Special Session of the Ninety-sixth Legislative Session be adopted.

The question being on Sen. Cammack's motion that the report of the Joint-Select Committee relative to the rules for the Second Special Session of the Ninety-sixth Legislative Session be adopted.

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Bolin, Breitling, Cammack, Castleberry, Crabtree, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

Excused:

Curd and Heinert

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was adopted.

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has appointed Reps. Gosch, Kent Peterson, and Jamie Smith as a committee of three on the part of the House to meet with a like committee on the part of the Senate relative to the Joint Rules for the Second Special Session of the Ninety-sixth Legislative Session.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

SCR 601: A CONCURRENT RESOLUTION, Establishing the period of day-to-day adjournment of the Senate within the Special Session on the Impeachment of Jason Ravensborg.

Introduced by: **Senator** Schoenbeck

Was read the first time.

The President dispensed with referral of **SCR 601** to committee pursuant to Special Rule No. 1.

Sen. Cammack moved that **SCR 601** be placed on the calendar for immediate consideration pursuant to Special Rule No. 5.

Which motion prevailed and **SCR 601** was so placed.

SCR 601: A CONCURRENT RESOLUTION, Establishing the period of day-to-day adjournment of the Senate within the Special Session on the Impeachment of Jason Ravensborg.

Was read the second time.

Sen. Schoenbeck moved that **SCR 601** as found on page 6 of the Senate Journal be adopted.

The question being on Sen. Schoenbeck's motion that **SCR 601** be adopted.

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:

Bolin, Breitling, Cammack, Castleberry, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

Excused:

Crabtree, Curd, and Heinert

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **SCR 601** was adopted.

Sen. Cammack moved that the Senate do now recess until the call of the President.

Which motion prevailed and at 10:45 a.m., the Senate recessed.

RECESS

The Senate reconvened at 11:55 a.m., the President presiding.

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to return herewith **SCR 601** in which the House has concurred.

Also MR. PRESIDENT:

I have the honor to transmit herewith **HCR 6001** which has been adopted by the House and your concurrence is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

HCR 6001: A CONCURRENT RESOLUTION, Establishing the period of day-to-day adjournment of the House of Representatives within the Special Session on the Impeachment of Jason Ravnsborg.

Was read the first time.

The President dispensed with referral of **HCR 6001** to committee pursuant to Special Rule No. 1.

Sen. Cammack moved that **HCR 6001** be placed on the calendar for immediate consideration pursuant to Special Rule No. 5.

Which motion prevailed and **HCR 6001** was so placed.

HCR 6001: A CONCURRENT RESOLUTION, Establishing the period of day-to-day adjournment of the House of Representatives within the Special Session on the Impeachment of Jason Ravnsborg.

Was read the second time.

Sen. Schoenbeck moved that the Senate do concur in **HCR 6001** as found on page 7 of the Senate Journal.

The question being on Sen. Schoenbeck's motion that **HCR 6001** be concurred in.

And the roll being called:

Yeas 22, Nays 0, Excused 13, Absent 0

Yeas:

Cammack, Castleberry, Diedrich, Duhamel, Duvall, Foster, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Rusch, Schoenbeck, V. J. Smith, Steinhauer, Sutton, Symens, Tobin, Wheeler, and Zikmund

Excused:

Bolin, Breitling, Crabtree, Curd, Frye-Mueller, Brock Greenfield, Heinert, Novstrup, Herman Otten, Rohl, Schoenfish, Stalzer, and Wiik

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HCR 6001** was concurred in.

Sen. Cammack moved that the Senate do now adjourn, which motion prevailed and at 12:00 p.m. the Senate adjourned.

Kay Johnson, Secretary

