

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District No. 14: Minnehaha County
Taylor Rehfeldt, Sioux Falls
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 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.

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

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

ANNOUNCEMENTS

The Speaker announced the appointment of the following standing committees.

**** Denotes Chair**

*** Denotes Vice-Chair**

LEGISLATIVE PROCEDURE (7)

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

STATE AFFAIRS (13)

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

CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES

MR. SPEAKER:

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

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

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

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

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

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 House bills or resolutions, or Senate bills, 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 House bills or resolutions, or Senate bills, shall apply to the Special Session. 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 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

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

MR. SPEAKER:

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

Respectfully,
Kay Johnson, Secretary

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

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

Respectfully submitted,
Kent Peterson, Chair

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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

Was read the second time.

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

And the roll being called:

Yeas 48, Nays 20, Excused 2, Absent 0

Yeas:

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

Nays:

Bartels, Beal, Blare, Bordeaux, Chase, Cwach, Davis, Derby, Drury, Duba, Healy, Keintz, 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.

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

MESSAGES FROM THE SENATE

Mr. SPEAKER:

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

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

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

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:

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

Excused:

Sue Peterson and Pourier

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

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

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

RECESS

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

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

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