

JOURNAL OF THE HOUSE

NINETY-SIXTH SESSION

TENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 26, 2021

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

The prayer was offered by the Chaplain, Rev. Corey Rajek, followed by the Pledge of Allegiance led by House pages Caeden Bunde and McKenna Carlson.

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 ninth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Spencer R. Gosch, Chair

1

MESSAGES FROM THE SENATE

2 Mr. SPEAKER:

3 I have the honor to transmit herewith **SB 6, 10, 11, 13, 14, 15, 16, 20, 21, 30, 42, 50, 52,**
4 **53, and 63** which have passed the Senate and your favorable consideration is respectfully
5 requested.

6
7

Respectfully,
Kay Johnson, Secretary

8

CONSIDERATION OF REPORTS OF COMMITTEES

9 Rep. Kent Peterson moved that the reports of the Standing Committees on
10 Commerce and Energy on **HB 1010** as found on page 117 of the House Journal; and
11 Judiciary on **HB 1068** as found on page 116 of the House Journal be adopted.
12 Which motion prevailed and the reports were adopted.

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

15

REPORTS OF STANDING COMMITTEES

16 MR. SPEAKER:

17 The Committee on House Taxation respectfully reports that it has had under consideration
18 **SB 40** and returns the same with the recommendation that said bill do pass, and having been
19 certified as uncontested, be placed on the consent calendar.

20
21

Respectfully submitted,
Drew Dennert, Chair

22 Also MR. SPEAKER:

23 The Committee on House Health and Human Services respectfully reports that it has had under
24 consideration **HB 1051** and returns the same with the recommendation that said bill be amended
25 as follows:

26

1051C

27 On page 1, line 4, of the Introduced bill, after "life" insert " and health"

28 On page 1, line 5, of the Introduced bill, after "persons " delete "The same available means
29 and medical skills that a physician would render to any child born alive, "

30 On page 1, line 7, of the Introduced bill, delete " to promote, preserve, and maintain the child's
31 life, must be used to promote, preserve, and maintain the life of a child born alive as a result of an
32 abortion or an attempted abortion at the same gestational age.

1 Any " and insert "The same means and medical skills and treatment provided a child born alive
2 consistent with accepted standards of medical practice for treatment of a child at that child's
3 particular stage of gestation must be employed and provided to every child born alive immediately
4 following an abortion or an attempted abortion. This obligation applies to every "

5 On page 1, line 12, of the Introduced bill, after "alive" insert ". Such physician"

6 On page 1, line 12, of the Introduced bill, after "child" delete ". In addition to using the means
7 and skills required by this section, the physician shall"

8 On page 1, line 13, of the Introduced bill, after "shall " insert "under the laws of this state,
9 with all of the duties that attend that relationship. Among the duties of such physician is the duty
10 to "

11 On page 1, line 14, of the Introduced bill, after "hospital" insert ", consistent with accepted
12 standards of medical practice"

13 On page 1, line 16, of the Introduced bill, delete "development" and insert " gestation"

14 On page 2, line 2, of the Introduced bill, after "action." delete "Any mother upon whom an
15 abortion has been performed, or the mother's parent or guardian in the case of a minor, may
16 maintain an action, against the physician who performed the abortion, for the death of, or injury to,
17 the infant if:

18 (1) The abortion resulted in the infant being born alive; and

19 (2) The infant's death or injury was the result of negligence, gross negligence, or any other
20 violation of a legal standard of care."

21 On page 2, line 8, of the Introduced bill, delete "An award under this section may include
22 compensatory damages, punitive damages equal to three times the cost of the abortion procedure,
23 and reasonable attorney's fees.

24 A physician who fails to meet the requirements of § 34-23A-16. 1 is liable to the state for a
25 civil penalty at least equal to one hundred thousand dollars. The attorney general may bring the suit
26 and may recover reasonable attorney's fees. The civil penalty is in addition to any other recovery
27 authorized by law. If the physician prevails, the physician may recover reasonable attorney's fees
28 incurred in defending against the suit.

29 If a physician fails to meet the requirements of § 34-23A-16. 1, that failure constitutes grounds
30 for the suspension or revocation of the physician's license to practice medicine under § 36-4-29.

31 Any person having knowledge of a failure to meet the requirements of § 34-23A-16. 1 may
32 report the failure to the attorney general. Upon request, the person's identity must remain
33 confidential.

34 Nothing in § 34-23A-16. 1 may be construed to hold the mother of the infant born alive
35 criminally or civilly liable for any acts or omissions of the physician, if the mother did not consent to
36 the acts or omissions." and insert "

37 A mother upon whom an abortion has been performed, or attempted to be performed, whose
38 child is born alive, whose consent for the abortion was either not informed or not voluntary, may
39 maintain a civil tort claim against the physician, the physician's agents who performed or attempted
40 to perform the abortion, and the abortion facility, pursuant to §§ 34-23A-60 and 34-23A-61.

41 In addition to the damages recoverable under §§ 34-23A-60 and 34-23A-61, a mother upon
42 whom an abortion is performed or attempted to be performed, whose child is born alive, may obtain
43 money damages for any psychological injury the mother sustained where the physician's negligence
44 in caring for the child following birth was a significant contributing factor in causing her psychological
45 injury.

1 The child born alive has a cause of action against the physician, the physician's agents, and
2 the abortion facility, for any physical or psychological injury, or both, for any injuries sustained
3 during and as a result of the abortion, and for any additional physical or psychological injury, or
4 both, where the negligence of the physician, the physician's agents, and the abortion facility, in the
5 medical care following birth, was a significant contributing factor.

6 The money damages for any claim brought pursuant to this section must include all traditionally
7 recognized compensatory and punitive damages recoverable under the laws of this state and
8 punitive damages for intentional disregard for the standard imposed by § 34-23A-16.1 and for
9 reasonable attorney's fees.

10 A physician who fails to meet the requirements of § 34-23A-16.1 is liable to the state for a civil
11 penalty of one hundred thousand dollars for each offense. The attorney general may bring an action
12 to recover that civil penalty and, if successful, shall be awarded reasonable attorney's fees.

13 A licensed physician, licensed agent, and licensed abortion facility who or that fails to comply
14 with the requirements of § 34-23A-16.1, must be reported to the South Dakota Board of Medical
15 and Osteopathic Examiners and that may form the grounds for sanctions, including suspension of
16 the physician's license and, where appropriate, revocation of such license.

17 Any person having knowledge of a failure to meet the requirements of § 34-23A-16.1 may
18 report the failure to the attorney general and, upon request, that person's identity must remain
19 confidential.

20 Nothing in § 34-23A-16.1 may be construed to hold the mother of the child born alive criminally
21 or civilly liable for consenting to an abortion, or for the acts of the physician, the physician's agents,
22 or the abortion facility for violation of § 34-23A-16.1 following the child being born alive."

23 And that as so amended, said bill do pass.

24 Also MR. SPEAKER:

25 The Committee on House Health and Human Services respectfully reports that it has had under
26 consideration **HB 1076** which was deferred to the 41st Legislative Day.

27 Respectfully submitted,
28 Kevin D. Jensen, Chair

29 Also MR. SPEAKER:

30 The Committee on House Transportation respectfully reports that it has had under
31 consideration **HB 1048** and returns the same with the recommendation that said bill do pass, and
32 having been certified as uncontested, be placed on the consent calendar.

33 Also MR. SPEAKER:

34 The Committee on House Transportation respectfully reports that it has had under
35 consideration **HB 1049** which was deferred to the 41st Legislative Day.

36 Respectfully submitted,
37 Caleb Finck, Chair

38 Also MR. SPEAKER:

39 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
40 under consideration **HB 1028** and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **HB 1027** and returns the same with the recommendation that said bill do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
7 under consideration **HB 1038** and returns the same with the recommendation that said bill be
8 referred to the Committee on Appropriations.

9 Respectfully submitted,
10 Marty Overweg, Chair

11 Also MR. SPEAKER:

12 The Committee on House Local Government respectfully reports that it has had under
13 consideration **HB 1045 and 1058** which were deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Nancy York, Chair

16 There being no objection, the House proceeded to Order of Business No. 8 - Motions and
17 Resolutions.

18 MOTIONS AND RESOLUTIONS

19 Yesterday, Rep. Finck announced his intention to reconsider the vote by which **HB 1035** lost.

20 Rep. Finck moved to reconsider the vote by which **HB 1035** lost.

21 The question being on Rep. Finck's motion to reconsider the vote by which **HB 1035** lost.

22 And the roll being called:

23 Yeas 49, Nays 21, Excused 0, Absent 0

24 Yeas:

25 Anderson, Aylward, Bartels, Barthel, Beal, Bordeaux, Chaffee, Davis, Dennert, Derby, Deutsch,
26 Duba, Finck, Goodwin, Lana Greenfield, Hansen, Healy, Hoffman, Jamison, Kevin Jensen, Chris
27 Johnson, Keintz, Koth, Ladner, Lesmeister, Miskimins, Mortenson, Odenbach, Olson, Overweg,
28 Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie
29 Smith, St. John, Stevens, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, York, and
30 Speaker Gosch

31 Nays:

32 Blare, Chase, Cwach, Drury, Fitzgerald, Gross, Haugaard, Howard, Phil Jensen, Karr, Marty,
33 May, Mills, Milstead, Mulally, Ernie Otten, Randolph, Soye, Thomason, Weis, and Wink

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion carried and **HB 1035** was up for reconsideration and final passage.

1 **HB 1035**: FOR AN ACT ENTITLED, An Act to remove the locking seal requirement for the
2 transportation of big game animals.

3 Having had its second reading was up for reconsideration and final passage.

4 The question being "Shall **HB 1035** pass?"

5 And the roll being called:

6 Yeas 45, Nays 25, Excused 0, Absent 0

7 Yeas:

8 Anderson, Bartels, Barthel, Beal, Bordeaux, Chaffee, Cwach, Davis, Dennert, Derby, Duba,
9 Finck, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Hoffman, Jamison, Kevin Jensen, Chris
10 Johnson, Keintz, Koth, Ladner, Miskimins, Mortenson, Odenbach, Olson, Overweg, Perry, Kent
11 Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,
12 Tidemann, Vasgaard, Weisgram, Willadsen, and Speaker Gosch

13 Nays:

14 Aylward, Blare, Chase, Deutsch, Drury, Fitzgerald, Haugaard, Howard, Phil Jensen, Karr,
15 Lesmeister, Marty, May, Mills, Milstead, Mulally, Ernie Otten, Pischke, Randolph, Soye, Thomason,
16 Weis, Wiese, Wink, and York

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

19 Rep. Deutsch moved that the Committee on Health and Human Services be instructed to
20 deliver **HB 1076** to the floor of the House, pursuant to Joint Rule 7-7.

21 Which motion was supported and the committee was so instructed.

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

23 The Speaker declared that **HB 1062** was withdrawn at the request of the prime sponsor
24 pursuant to Joint Rule 6B-1.1.

25 **HB 1087**: FOR AN ACT ENTITLED, An Act to authorize the use of crossbows by certain hunters.

26 Introduced by: **Representative** Mills

27 **HB 1092**: FOR AN ACT ENTITLED, An Act to remove fishing and small game license fees for
28 certain senior residents.

29 Introduced by: **Representative** Pischke

30 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

1 **HB 1088:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding disclosures for
2 newly constructed properties.

3 Introduced by: **Representative** Howard

4 **HB 1090:** FOR AN ACT ENTITLED, An Act to modify certain requirements for domestic not-
5 for-profit corporations.

6 Introduced by: **Representative** Weisgram

7 **HB 1091:** FOR AN ACT ENTITLED, An Act to provide provisions for virtual currency in this
8 state.

9 Introduced by: **Representative** Pischke

10 Were read the first time and referred to the Committee on Commerce and Energy.

11 **HB 1089:** FOR AN ACT ENTITLED, An Act to authorize the disclosure of protection and security
12 expenditures for public officials.

13 Introduced by: **Representative** Howard

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

15 **HB 1093:** FOR AN ACT ENTITLED, An Act to revise the limitations on a municipality's power
16 to take actions for the promotion of health or the suppression of disease.

17 Introduced by: **Representative** Pischke

18 **HB 1094:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the municipal
19 zoning and appeals process.

20 Introduced by: The Committee on Local Government at the request of the Office of the
21 Governor

22 Were read the first time and referred to the Committee on Local Government.

23 **HJR 5002:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
24 election an amendment to the Constitution of the State of South Dakota regarding appointments to
25 fill legislative vacancies.

26 Introduced by: **Representative** Dennert

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

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

29 **SB 52:** FOR AN ACT ENTITLED, An Act to revise the permit duration on certain concentrated
30 animal feeding operations.

31 **SB 53:** FOR AN ACT ENTITLED, An Act to revise certification and renewal fees for water supply
32 and treatment system operators.

1 **SB 63:** FOR AN ACT ENTITLED, An Act to correct technical errors and outdated provisions
2 regarding the Department of Environment and Natural Resources.

3 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

4 **SB 50:** FOR AN ACT ENTITLED, An Act to repeal the requirement for a well pump installer
5 license.

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

7 **SB 6:** FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-references
8 related to the Department of Social Services.

9 **SB 20:** FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances
10 schedule and to declare an emergency.

11 Were read the first time and referred to the Committee on Health and Human Services.

12 **SB 13:** FOR AN ACT ENTITLED, An Act to revise a statutory cross reference in the written
13 waiver of right to a parole hearing or appearance.

14 **SB 14:** FOR AN ACT ENTITLED, An Act to limit the time children in need of supervision are
15 held in detention under certain circumstances.

16 **SB 15:** FOR AN ACT ENTITLED, An Act to revise the voting requirements necessary for the
17 board to grant or deny parole or recommend clemency.

18 **SB 16:** FOR AN ACT ENTITLED, An Act to revise the requirements of setting discretionary
19 parole dates by the board.

20 Were read the first time and referred to the Committee on Judiciary.

21 **SB 10:** FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk highway
22 system.

23 **SB 11:** FOR AN ACT ENTITLED, An Act to revise provisions regarding highways and bridges.

24 **SB 21:** FOR AN ACT ENTITLED, An Act to revise contracting procedure options for certain
25 highway construction contracts.

26 **SB 30:** FOR AN ACT ENTITLED, An Act to extend the issuance period for commercial learner's
27 permits.

28 **SB 42:** FOR AN ACT ENTITLED, An Act to require all documentation supporting a tax refund
29 claim regarding the accidental mixing of undyed and dyed diesel fuel to be submitted to the
30 Department of Revenue within a certain time period.

31 Were read the first time and referred to the Committee on Transportation.

32 **SECOND READING OF CONSENT CALENDAR ITEMS**

33 **HB 1001:** FOR AN ACT ENTITLED, An Act to correct technical errors in statutory cross-
34 references regarding insurance.

1 **HB 1003:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding credit for
2 reinsurance.

3 **HB 1025:** FOR AN ACT ENTITLED, An Act to delete or revise certain outdated language relating
4 to education.

5 **HB 1060:** FOR AN ACT ENTITLED, An Act to direct certain persons to notify funeral directors
6 of communicable diseases or conditions.

7 **HB 1070:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Unified
8 Judicial System.

9 **HB 1071:** FOR AN ACT ENTITLED, An Act to correct incorrect cross-references dealing with
10 crimes and criminal procedures and repeal an obsolete section.

11 **HB 1078:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South
12 Dakota State Historical Society.

13 Were read the second time.

14 The question being "Shall **HB 1060** pass as amended, and **HB 1001, 1003, 1025, 1070,**
15 **1071, and 1078** pass?"

16 And the roll being called:

17 Yeas 70, Nays 0, Excused 0, Absent 0

18 Yeas:

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

26 So the bills having received an affirmative vote of a majority of the members-elect, the Speaker
27 declared the bills passed and the titles were agreed to.

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

29 Rep. Mortenson requested a fiscal note on **HB 1050**.

30 Which request was supported.

31 **HB 1046:** FOR AN ACT ENTITLED, An Act to limit liability for certain exposures to COVID-19.

32 Was read the second time.

33 Rep. Anderson moved that **HB 1046** be amended as follows:

34 1046E

35 On page 5, line 9, of the House State Affairs bill, after "constitutes " insert "gross negligence,
36 "

1 On page 5, line 9, of the House State Affairs bill, after "recklessness" insert the comma
2 Which motion prevailed.

3 The question being "Shall **HB 1046** pass as amended?"

4 And the roll being called:

5 Yeas 60, Nays 10, Excused 0, Absent 0

6 Yeas:

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

13 Nays:

14 Bordeaux, Cwach, Haugaard, Karr, Keintz, Mulally, Pischke, Pourier, Stevens, and Vasgaard

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

17 **HB 1069:** FOR AN ACT ENTITLED, An Act to modify the expenditures that are recoverable as
18 disbursements by a prevailing party in a civil action or a special proceeding.

19 Was read the second time.

20 The question being "Shall **HB 1069** pass?"

21 And the roll being called:

22 Yeas 65, Nays 5, Excused 0, Absent 0

23 Yeas:

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

31 Nays:

32 Aylward, Haugaard, Howard, Karr, and Speaker Gosch

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

35 **HB 1015:** FOR AN ACT ENTITLED, An Act to provide rule-making authority for establishing an
36 appraiser experience training and setting fees.

37 Was read the second time.

1 The question being "Shall **HB 1015** pass?"

2 And the roll being called:

3 Yeas 61, Nays 9, Excused 0, Absent 0

4 Yeas:

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

11 Nays:

12 Aylward, Haugaard, Phil Jensen, Marty, May, Mulally, Pischke, Randolph, and Speaker Gosch

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

15 **HB 1056:** FOR AN ACT ENTITLED, An Act to authorize the designation of Purple Star schools.

16 Was read the second time.

17 The question being "Shall **HB 1056** pass?"

18 And the roll being called:

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

20 Yeas:

21 Bartels, Barthel, Beal, Blare, Dennert, Derby, Deutsch, Drury, Finck, Goodwin, Hansen, Kevin
22 Jensen, Keintz, Lesmeister, Milstead, Odenbach, Olson, Perry, Sue Peterson, Pischke, Pourier, Soye,
23 St. John, Weis, Wink, York, and Speaker Gosch

24 Nays:

25 Anderson, Aylward, Bordeaux, Chaffee, Chase, Cwach, Davis, Duba, Fitzgerald, Lana
26 Greenfield, Gross, Haugaard, Healy, Hoffman, Howard, Jamison, Phil Jensen, Chris Johnson, Karr,
27 Koth, Ladner, Marty, May, Mills, Miskimins, Mortenson, Mulally, Ernie Otten, Overweg, Kent
28 Peterson, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens, Thomason,
29 Tidemann, Vasgaard, Weisgram, Wiese, and Willadsen

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

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

33 **SB 46:** FOR AN ACT ENTITLED, An Act to allow for the consideration of certain instruction to
34 count towards the minimum number of hours required in a school term during a declared state of
35 emergency.

36 Was read the second time.

1 The question being "Shall **SB 46** pass?"

2 And the roll being called:

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

4 Yeas:

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

12 Nays:

13 Speaker Gosch

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

16 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:03 p.m.
17 the House adjourned.

18 Patricia Miller, Chief Clerk