

# *JOURNAL OF THE HOUSE*

## *NINETY-SIXTH SESSION*

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TWENTIETH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, February 10, 2021

The House convened at 2:18 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Greg Kroger, followed by the Pledge of Allegiance led by House pages Scotland Donovan and Avery Dooley.

Roll Call: All members present except Reps. Reed and St. John who were excused and Reps. Aylward, Karr, and Pischke who were present remotely.

### **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 nineteenth 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,  
Spencer R. Gosch, Chair

Which motion prevailed.

1

**COMMUNICATIONS AND PETITIONS**

2

February 8, 2021

3

Mr. Speaker and Members of the House:

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I have the honor to inform you that on February 8, 2021, I approved House Bills 1004, 1005, 1006, 1012, 1036, and 1060, and the same have been deposited in the office of the Secretary of State.

7

Respectfully submitted,  
Kristi Noem  
Governor

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**REPORTS OF STANDING COMMITTEES**

11

MR. SPEAKER:

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The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1245** which was deferred to the 41st Legislative Day.

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Also MR. SPEAKER:

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The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1214 and 1249** which were tabled.

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Also MR. SPEAKER:

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The Committee on House State Affairs respectfully reports that it has had under consideration **HJR 5003** and returns the same with the recommendation that said resolution be amended as follows:

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HJR5003A

22

On page 1, line 1, of the Introduced bill, delete " 2022 primary" and insert " next general"

23

On page 1, line 7, of the Introduced bill, after "next" delete " 2022 "

24

On page 1, line 7, of the Introduced bill, delete "primary " and insert "general "

25

On page 1, line 15, of the Introduced bill, after "required." insert "Any initiated constitutional amendment, initiated measure, constitutional amendment referred to the people by the "

26

27

On page 1, line 15, of the Introduced bill, after "required." insert "L"

28

On page 1, line 15, of the Introduced bill, after "required." insert "egislature, or measure referred to the people by the "

29

30

On page 1, line 15, of the Introduced bill, after "required." insert "L"

31

On page 1, line 15, of the Introduced bill, after "required." insert "egislature that imposes or increases taxes or fees, and any initiated constitutional amendment, initiated measure, constitutional amendment referred to the people by the "

32

33

34

On page 1, line 15, of the Introduced bill, after "required." insert "L"

1 On page 1, line 15, of the Introduced bill, after "required." insert "egislature, or measure  
2 referred to the people by the "

3 On page 1, line 15, of the Introduced bill, after "required." insert "L"

4 On page 1, line 15, of the Introduced bill, after "required." insert "egislature "

5 On page 1, line 15, of the Introduced bill, after "required." delete "Any initiated constitutional  
6 amendment or measure that imposes or increases taxes or fees, and any initiated constitutional  
7 amendment or measure "

8 And that as so amended, said resolution do pass.

9 Respectfully submitted,  
10 Kent Peterson, Chair

11 Also MR. SPEAKER:

12 The Committee on House Education respectfully reports that it has had under consideration  
13 **HB 1055** and returns the same with the recommendation that said bill be amended as follows:

14 1055C

15 On page 1, line 10, of the House Military and Veterans Affairs bill, after "reside. " delete "No  
16 school district in the state may be required to provide distance learning as defined in this section."

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

18 Also MR. SPEAKER:

19 The Committee on House Education respectfully reports that it has had under consideration  
20 **HB 1066** and returns the same with the recommendation that said bill be amended as follows:

21 1066H

22 On page 1, line 1, of the Introduced bill, delete "renewable " and insert "wind "

23 On page 1, after line 3, of the Introduced bill, insert "

24 **Section 1.** That § 13-13-10.1 be AMENDED.

25 13-13-10.1. Definitions.

26 The education funding terms and procedures referenced in this chapter are defined as follows:

27 (1) Repealed by SL 2016, ch 83, § 4;

28 (1A) Nonresident students who are in the care and custody of the Department of Social  
29 Services, the Unified Judicial System, the Department of Corrections, or other state  
30 agencies and are attending a public school may be included in the fall enrollment of the  
31 receiving district when enrolled in the receiving district;

32 (2) Repealed by SL 2016, ch 83, § 4;

33 (2A) "Fall enrollment," is calculated as follows:

- 
- 1 (a) Determine the number of kindergarten through twelfth grade students enrolled in
  - 2 all schools operated by the school district on the last Friday of September of the
  - 3 current school year;
  - 4 (b) Subtract the number of students for whom the district receives tuition except for:
  - 5 (i) Nonresident students who are in the care and custody of a state agency
  - 6 and are attending a public school district; and
  - 7 (ii) Students who are being provided an education pursuant to § 13-28-11;
  - 8 (c) Add the number of students for whom the district pays tuition.

9 When computing state aid to education for a school district pursuant to § 13-13-73, the  
 10 secretary of the Department of Education shall use the school district's fall enrollment;

11 (2B) Repealed by SL 2010, ch 84, § 1;

12 (2C) "Target teacher ratio factor," is:

- 13 (a) For school districts with a fall enrollment of two hundred or less, the target teacher
- 14 ratio factor is 12;
- 15 (b) For districts with a fall enrollment of greater than two hundred, but less than six
- 16 hundred, the target teacher ratio factor is calculated as follows:
- 17 (1) Multiplying the fall enrollment by .00750;
- 18 (2) Adding 10.50 to the product of subsection (b)(1);
- 19 (c) For districts with a fall enrollment of six hundred or greater, the target teacher
- 20 ratio factor is 15.

21 The fall enrollment used for the determination of the target teacher ratio for a school district  
 22 may not include any students residing in a residential treatment facility when the education program  
 23 is operated by the school district;

24 (2D) "Limited English proficiency (LEP) adjustment," is calculated by multiplying 0.25 times  
 25 the number of kindergarten through twelfth grade students who, in the prior school year,  
 26 scored below level four on the state-administered language proficiency assessment as  
 27 required in the state's consolidated state application pursuant to 20 USC § 6311(b)(7)  
 28 as of January 1, 2013;

29 (3) "Index factor," is the annual percentage change in the consumer price index for urban  
 30 wage earners and clerical workers as computed by the Bureau of Labor Statistics of the  
 31 United States Department of Labor for the year before the year immediately preceding  
 32 the year of adjustment or three percent, whichever is less;

33 (4) "Target teacher salary," for the school fiscal year beginning July 1, 2020 is \$51,367.47.  
 34 Each school fiscal year thereafter, the target teacher salary is the previous fiscal year's  
 35 target teacher salary increased by the index factor;

36 (4A) "Target teacher benefits," is the target teacher salary multiplied by twenty-nine percent;

37 (4B) "Target teacher compensation," is the sum of the target teacher salary and the target  
 38 teacher benefits;

39 (4C) "Overhead rate," is thirty-four and ninety-three hundredths percent.

- 
- 1           Beginning in school fiscal year 2018, the overhead rate shall be adjusted to take into account  
 2           the sum of the amounts that districts exceed the other revenue base amount;
- 3           (5)    "Local need," is calculated as follows:
- 4                   (a)    Divide the fall enrollment by the target teacher ratio factor;
- 5                   (b)    If applicable, divide Limited English proficiency (LEP) adjustment pursuant to  
 6                   subdivision (2D) by the target teacher ratio factor;
- 7                   (c)    Add the results of subsections (a) and (b);
- 8                   (d)    Multiply the result of subsection (c) by the target teacher compensation;
- 9                   (e)    Multiply the product of subsection (d) by the overhead rate;
- 10                  (f)    Add the products of subsections (d) and (e);
- 11                  (g)    When calculating local need at the statewide level, include the amounts set aside  
 12                  for costs related to technology in schools and statewide student assessments; and
- 13                  (h)    When calculating local need at the statewide level, include the amounts set aside  
 14                  for sparse school district benefits, calculated pursuant to §§ 13-13-78 and 13-13-  
 15                  79;
- 16           (5A) "Alternative per student need," is calculated as follows:
- 17                   (a)    Add the total need for each school district for school fiscal year 2016, including  
 18                   the small school adjustment and the limited English proficiency adjustment, to  
 19                   the lesser of the amount of funds apportioned to each school district in the year  
 20                   preceding the most recently completed school fiscal year or school fiscal year 2015  
 21                   pursuant to §§ 13-13-4, 23A-27-25, 10-33-24, 10-36-10, 11-7-73, 10-35-21,  
 22                   and 10-43-77;
- 23                   (b)    Divide the result of (a) by the September 2015 fall enrollment, excluding any  
 24                   adjustments based on prior year student counts;
- 25           (5B) "Alternative local need," is the alternative per student need multiplied by the fall  
 26           enrollment, excluding any adjustments based on prior year student counts;
- 27           (6)    "Local effort," the amount of ad valorem taxes generated in a school fiscal year by  
 28           applying the levies established pursuant to § 10-12-42. Beginning on July 1, 2017, local  
 29           effort will include the amount of funds apportioned to each school district in the year  
 30           preceding the most recently completed school fiscal year pursuant to §§ 10-33-24, 10-  
 31           35-21 as provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-  
 32           27-25 and that exceeds the other revenue base amount. For the period July 1, 2016,  
 33           through December 31, 2016, inclusive, local effort includes the amount of ad valorem  
 34           taxes generated by applying the levies established pursuant to § 13-10-6 during this  
 35           period;
- 36           (6A) "Other revenue base amount," for school districts not utilizing the alternative local need  
 37           calculation is the amount of funds apportioned to each school district pursuant to §§ 10-  
 38           33-24, 10-35-21 as provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-  
 39           4, and 23A-27-25 calculated as follows:
- 40                   (a)    Beginning on July 1, 2017, equals the greatest of the amounts of the funds  
 41                   apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as  
 42                   provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-  
 43                   27-25 for school fiscal years 2013, 2014, and 2015;

- 1 (b) Beginning on July 1, 2018, multiply eighty percent times subsection (a);
- 2 (c) Beginning on July 1, 2019, multiply sixty percent times subsection (a);
- 3 (d) Beginning on July 1, 2020, multiply forty percent times subsection (a);
- 4 (e) Beginning on July 1, 2021, multiply twenty percent times subsection (a);
- 5 (f) Beginning on July 1, 2022, is zero.

6 For school districts utilizing the alternative local need calculation, the other revenue base amount is  
 7 zero until such time the school district chooses to no longer utilize the alternative local need  
 8 calculation. At that time, the other revenue base amount is calculated as defined above.

9 For a school district created or reorganized after July 1, 2016, the other revenue base amount is the  
 10 sum of the other revenue base amount for each district before reorganization, and the new school  
 11 district may not utilize the alternative local need calculation.

12 In the case of the dissolution and annexation of a district, the other revenue base amount of  
 13 the dissolved school district will be prorated based on the total number of students in the fall  
 14 enrollment as defined in subdivision (2A) who attend each district to which area of the dissolved  
 15 district were annexed to in the first year of reorganization. The amount apportioned for each district  
 16 will be added to the annexed districts' other revenue base;

17 (6B) "Wind energy tax revenue," any wind energy tax revenue apportioned to school districts,  
 18 pursuant to § 10-35-21, from a wind farm producing power for the first time before July  
 19 1, 2016, shall be considered local effort pursuant to subdivision (6) and other revenue  
 20 base amount pursuant to subdivision (6A). However, any wind energy tax revenue  
 21 apportioned to a school district from a wind farm producing power for the first time after  
 22 June 30, 2016, one hundred percent shall be retained by the school district to which the  
 23 tax revenue is apportioned for the first five years of producing power, eighty percent for  
 24 the sixth year, sixty percent for the seventh year, forty percent for the eighth year,  
 25 twenty percent for the ninth year, and zero percent thereafter. If a wind farm begins  
 26 producing power for the first time between October first and December thirty-first in a  
 27 calendar year, any revenues generated for that time period must be retained by the  
 28 school district and that time period may not be counted against the first five-year period.

29 (7) "Per student equivalent," for funding calculations that are determined on a per student  
 30 basis, the per student equivalent is calculated as follows:

31 (a) Multiply the target teacher compensation times the sum of one plus the overhead  
 32 rate;

33 (b) Divide subsection (a) by 15;

34 (8) "Monthly cash balance," the total amount of money for each month in the school district's  
 35 general fund, calculated by adding all deposits made during the month to the beginning  
 36 cash balance and deducting all disbursements or payments made during the month;

37 (9) "General fund base percentage," is determined as follows:

38 (a) Forty percent for a school district with a fall enrollment as defined in subdivision  
 39 (2A) of two hundred or less;

40 (b) Thirty percent for a school district with fall enrollment as defined in subdivision  
 41 (2A) of more than two hundred but less than six hundred; and

42 (c) Twenty-five percent for a school district with fall enrollment as defined in  
 43 subdivision (2A) greater than or equal to six hundred.

1 When determining the general fund base percentage, the secretary of the Department  
2 of Education shall use the lesser of the school district's fall enrollment as defined in  
3 subdivision (2A) for the current school year or the school district's fall enrollment from  
4 the previous two years;

5 (10) "Allowable general fund cash balance," the general fund base percentage multiplied by  
6 the district's general fund expenditures in the previous school year.

7 "

8 On page 1, line 9, of the Introduced bill, after "fund." insert "

9 The authority provided by this section for the transfer of wind energy tax revenue is conditioned  
10 annually upon the district obtaining, from the Department of Education, verification that the average  
11 compensation of teachers in the district, as based on the most recently approved financial report,  
12 exceeds the average compensation rate for the 2017 fiscal year.

13 The transfer of wind energy tax revenue must be made within the ten year timeframe identified  
14 in § 13-13-10. 1(6B) for each new wind farm. The maximum amount a school district may transfer  
15 on an annual basis is the amount of wind energy tax revenue that is able to be retained by the  
16 district and not counted as local effort.

17 Notwithstanding § 13-16-6, wind energy tax revenue transferred to the capital outlay fund  
18 under the authority of this section must remain separately identified and may not thereafter be  
19 returned to the general fund. "

20 1066F

21 On page 1, after line 3, of the Introduced bill, insert "

22 **Section 2.** That § 13-13-10.1 be AMENDED.

23 13-13-10.1. Definitions.

24 The education funding terms and procedures referenced in this chapter are defined as follows:

25 (1) Repealed by SL 2016, ch 83, § 4;

26 (1A) Nonresident students who are in the care and custody of the Department of Social  
27 Services, the Unified Judicial System, the Department of Corrections, or other state  
28 agencies and are attending a public school may be included in the fall enrollment of the  
29 receiving district when enrolled in the receiving district;

30 (2) Repealed by SL 2016, ch 83, § 4;

31 (2A) "Fall enrollment," is calculated as follows:

32 (a) Determine the number of kindergarten through twelfth grade students enrolled in  
33 all schools operated by the school district on the last Friday of September of the  
34 current school year;

35 (b) Subtract the number of students for whom the district receives tuition except for:

36 (i) Nonresident students who are in the care and custody of a state agency  
37 and are attending a public school district; and

38 (ii) Students who are being provided an education pursuant to § 13-28-11;

39 (c) Add the number of students for whom the district pays tuition.

- 
- 1           When computing state aid to education for a school district pursuant to § 13-13-73, the  
2 secretary of the Department of Education shall use the school district's fall enrollment;
- 3           (2B) Repealed by SL 2010, ch 84, § 1;
- 4           (2C) "Target teacher ratio factor," is:
- 5                 (a) For school districts with a fall enrollment of two hundred or less, the target teacher  
6 ratio factor is 12;
- 7                 (b) For districts with a fall enrollment of greater than two hundred, but less than six  
8 hundred, the target teacher ratio factor is calculated as follows:
- 9                     (1) Multiplying the fall enrollment by .00750;
- 10                    (2) Adding 10.50 to the product of subsection (b)(1);
- 11                 (c) For districts with a fall enrollment of six hundred or greater, the target teacher  
12 ratio factor is 15.
- 13           The fall enrollment used for the determination of the target teacher ratio for a school district  
14 may not include any students residing in a residential treatment facility when the education program  
15 is operated by the school district;
- 16           (2D) "Limited English proficiency (LEP) adjustment," is calculated by multiplying 0.25 times  
17 the number of kindergarten through twelfth grade students who, in the prior school year,  
18 scored below level four on the state-administered language proficiency assessment as  
19 required in the state's consolidated state application pursuant to 20 USC § 6311(b)(7)  
20 as of January 1, 2013;
- 21           (3) "Index factor," is the annual percentage change in the consumer price index for urban  
22 wage earners and clerical workers as computed by the Bureau of Labor Statistics of the  
23 United States Department of Labor for the year before the year immediately preceding  
24 the year of adjustment or three percent, whichever is less;
- 25           (4) "Target teacher salary," for the school fiscal year beginning July 1, 2020 is \$51,367.47.  
26 Each school fiscal year thereafter, the target teacher salary is the previous fiscal year's  
27 target teacher salary increased by the index factor;
- 28           (4A) "Target teacher benefits," is the target teacher salary multiplied by twenty-nine percent;
- 29           (4B) "Target teacher compensation," is the sum of the target teacher salary and the target  
30 teacher benefits;
- 31           (4C) "Overhead rate," is thirty-four and ninety-three hundredths percent.
- 32           Beginning in school fiscal year 2018, the overhead rate shall be adjusted to take into account  
33 the sum of the amounts that districts exceed the other revenue base amount;
- 34           (5) "Local need," is calculated as follows:
- 35                 (a) Divide the fall enrollment by the target teacher ratio factor;
- 36                 (b) If applicable, divide Limited English proficiency (LEP) adjustment pursuant to  
37 subdivision (2D) by the target teacher ratio factor;
- 38                 (c) Add the results of subsections (a) and (b);
- 39                 (d) Multiply the result of subsection (c) by the target teacher compensation;



- 
- 1 (e) Multiply the product of subsection (d) by the overhead rate;
  - 2 (f) Add the products of subsections (d) and (e);
  - 3 (g) When calculating local need at the statewide level, include the amounts set aside
  - 4 for costs related to technology in schools and statewide student assessments; and
  - 5 (h) When calculating local need at the statewide level, include the amounts set aside
  - 6 for sparse school district benefits, calculated pursuant to §§ 13-13-78 and 13-13-
  - 7 79;
  - 8 (5A) "Alternative per student need," is calculated as follows:
    - 9 (a) Add the total need for each school district for school fiscal year 2016, including
    - 10 the small school adjustment and the limited English proficiency adjustment, to
    - 11 the lesser of the amount of funds apportioned to each school district in the year
    - 12 preceding the most recently completed school fiscal year or school fiscal year 2015
    - 13 pursuant to §§ 13-13-4, 23A-27-25, 10-33-24, 10-36-10, 11-7-73, 10-35-21,
    - 14 and 10-43-77;
    - 15 (b) Divide the result of (a) by the September 2015 fall enrollment, excluding any
    - 16 adjustments based on prior year student counts;
  - 17 (5B) "Alternative local need," is the alternative per student need multiplied by the fall
  - 18 enrollment, excluding any adjustments based on prior year student counts;
  - 19 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
  - 20 applying the levies established pursuant to § 10-12-42. Beginning on July 1, 2017, local
  - 21 effort will include the amount of funds apportioned to each school district in the year
  - 22 preceding the most recently completed school fiscal year pursuant to §§ 10-33-24, 10-
  - 23 35-21 as provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-
  - 24 27-25 and that exceeds the other revenue base amount. For the period July 1, 2016,
  - 25 through December 31, 2016, inclusive, local effort includes the amount of ad valorem
  - 26 taxes generated by applying the levies established pursuant to § 13-10-6 during this
  - 27 period;
  - 28 (6A) "Other revenue base amount," for school districts not utilizing the alternative local need
  - 29 calculation is the amount of funds apportioned to each school district pursuant to §§ 10-
  - 30 33-24, 10-35-21 as provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-
  - 31 4, and 23A-27-25 calculated as follows:
    - 32 (a) Beginning on July 1, 2017, equals the greatest of the amounts of the funds
    - 33 apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as
    - 34 provided by subdivision (6B), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-
    - 35 27-25 for school fiscal years 2013, 2014, and 2015;
    - 36 (b) Beginning on July 1, 2018, multiply eighty percent times subsection (a);
    - 37 (c) Beginning on July 1, 2019, multiply sixty percent times subsection (a);
    - 38 (d) Beginning on July 1, 2020, multiply forty percent times subsection (a);
    - 39 (e) Beginning on July 1, 2021, multiply twenty percent times subsection (a);
    - 40 (f) Beginning on July 1, 2022, is zero.
  - 41 For school districts utilizing the alternative local need calculation, the other revenue base amount is
  - 42 zero until such time the school district chooses to no longer utilize the alternative local need
  - 43 calculation. At that time, the other revenue base amount is calculated as defined above.

1 For a school district created or reorganized after July 1, 2016, the other revenue base amount is the  
 2 sum of the other revenue base amount for each district before reorganization, and the new school  
 3 district may not utilize the alternative local need calculation.

4 In the case of the dissolution and annexation of a district, the other revenue base amount of  
 5 the dissolved school district will be prorated based on the total number of students in the fall  
 6 enrollment as defined in subdivision (2A) who attend each district to which area of the dissolved  
 7 district were annexed to in the first year of reorganization. The amount apportioned for each district  
 8 will be added to the annexed districts' other revenue base;

9 (6B) ~~"Wind-Renewable energy tax revenue," any wind-renewable energy tax revenue~~  
 10 ~~apportioned to school districts, pursuant to § 10-35-21, from a wind farm producing~~  
 11 ~~power for the first time before July 1, 2016, shall be considered local effort pursuant to~~  
 12 ~~subdivision (6) and other revenue base amount pursuant to subdivision (6A). However,~~  
 13 ~~any wind-renewable energy tax revenue apportioned to a school district from a wind farm~~  
 14 ~~producing power for the first time after June 30, 2016, one hundred percent shall be~~  
 15 ~~retained by the school district to which the tax revenue is apportioned for the first five~~  
 16 ~~years of producing power, eighty percent for the sixth year, sixty percent for the seventh~~  
 17 ~~year, forty percent for the eighth year, twenty percent for the ninth year, and zero~~  
 18 ~~percent thereafter.~~ For purposes of this subdivision, wind farms producing power for the  
 19 first time include only those that are operational before the first day of October.

20 (7) "Per student equivalent," for funding calculations that are determined on a per student  
 21 basis, the per student equivalent is calculated as follows:

22 (a) Multiply the target teacher compensation times the sum of one plus the overhead  
 23 rate;

24 (b) Divide subsection (a) by 15;

25 (8) "Monthly cash balance," the total amount of money for each month in the school district's  
 26 general fund, calculated by adding all deposits made during the month to the beginning  
 27 cash balance and deducting all disbursements or payments made during the month;

28 (9) "General fund base percentage," is determined as follows:

29 (a) Forty percent for a school district with a fall enrollment as defined in subdivision  
 30 (2A) of two hundred or less;

31 (b) Thirty percent for a school district with fall enrollment as defined in subdivision  
 32 (2A) of more than two hundred but less than six hundred; and

33 (c) Twenty-five percent for a school district with fall enrollment as defined in  
 34 subdivision (2A) greater than or equal to six hundred.

35 When determining the general fund base percentage, the secretary of the  
 36 Department of Education shall use the lesser of the school district's fall enrollment as  
 37 defined in subdivision (2A) for the current school year or the school district's fall  
 38 enrollment from the previous two years;

39 (10) "Allowable general fund cash balance," the general fund base percentage multiplied by  
 40 the district's general fund expenditures in the previous school year.

41 "

42 On page 1, line 7, of the Introduced bill, delete "wind " and insert "renewable "

43 On page 1, line 9, of the Introduced bill, after "fund." insert "

1 The authority provided by this section for the transfer of renewable energy tax revenue is  
2 conditioned annually upon the district obtaining, from the Department of Education, verification that  
3 the average compensation of teachers in the district, as based on the most recently approved  
4 financial report, exceeds the average compensation rate for the 2017 fiscal year.

5 The transfer of renewable energy tax revenue must be made within the ten year timeframe  
6 identified in § 13-13-10. 1(6B) for each new wind farm.

7 Notwithstanding § 13-16-6, renewable energy tax revenue transferred to the capital outlay  
8 fund under the authority of this section must remain separately identified and may not thereafter  
9 be returned to the general fund. "

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

11 Respectfully submitted,  
12 Lana Greenfield, Chair

13 Also MR. SPEAKER:

14 The Committee on House Judiciary respectfully reports that it has had under consideration  
15 **HB 1184 and 1185** which were deferred to the 41st Legislative Day.

16 Also MR. SPEAKER:

17 The Committee on House Judiciary respectfully reports that it has had under consideration  
18 **HB 1132** and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on House Judiciary respectfully reports that it has had under consideration  
21 **HB 1191** and returns the same with the recommendation that said bill do pass, and having been  
22 certified as uncontested, be placed on the consent calendar.

23 Respectfully submitted,  
24 Jon Hansen, Chair

25 Also MR. SPEAKER:

26 The House Committee on Appropriations respectfully reports that it has had under  
27 consideration **HB 1021** and returns the same with the recommendation that said bill do pass.

28 Respectfully submitted,  
29 Chris Karr, Chair

30 Also MR. SPEAKER:

31 The Committee on House Commerce and Energy respectfully reports that it has had under  
32 consideration **HB 1107 and 1123** which were deferred to the 41st Legislative Day.

33 Also MR. SPEAKER:

34 The Committee on House Commerce and Energy respectfully reports that it has had under  
35 consideration **HB 1234** and returns the same with the recommendation that said bill do pass, and  
36 having been certified as uncontested, be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under  
3 consideration **HB 1262** and returns the same with the recommendation that said bill be amended  
4 as follows:

5 1262A

6 On page 1, line 1, of the Introduced bill, delete "regulate " and insert "prohibit the sale or  
7 distribution of "

8 On page 1, line 1, of the Introduced bill, after "substances" insert " to those under twenty-  
9 one"

10 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act provides  
11 provisions regulate certain substances. "

12 On page 1, after line 3, of the Introduced bill, insert "

13 **Section 3.** That a NEW SECTION be added:

14 34-20B-115. Kratom--Sell--Distribute--Misdemeanor.

15 No person may sell or distribute kratom to a person under the age of twenty-one. Kratom, for  
16 the purposes of this section, is a substance that contains any of the following:

17 (1) 7-hydroxymitragynine;

18 (2) Mitragynine; or

19 (3) Mitragynine pseudoindoxyl.

20 A violation of this section is a Class 2 misdemeanor.

21 "

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

23 Respectfully submitted,  
24 Rhonda Milstead, Chair

25 Also Mr. SPEAKER:

26 The Committee on Legislative Procedure respectfully reports that **HB 1001, 1002, 1003,**  
27 **1009, 1025, 1030, 1043, 1070, 1082, and 1083** were delivered to her Excellency, the Governor,  
28 for her approval at 9:15 a.m., February 10, 2021.

29 Respectfully submitted,  
30 Spencer R. Gosch, Chair

31 **MESSAGES FROM THE SENATE**

32 Mr. SPEAKER:

33 I have the honor to transmit herewith **SB 44, 81, 86, 92, 105, 134, and 136** which have  
34 passed the Senate and your favorable consideration is respectfully requested.

1 Also Mr. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has concurred in House  
3 amendments to **SB 5**.

4 Respectfully,  
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 1:00 p.m.,  
8 Thursday, February 11, 2021, the 21<sup>st</sup> legislative day.

9 Which motion prevailed.

10 Rep. Hansen moved that the House do concur in Senate amendments to **HB 1071**.

11 The question being on Rep. Hansen's motion that the House do concur in Senate amendments  
12 to **HB 1071**.

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, Sue Peterson, Pischke, Pourier, Randolph,  
21 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, Stevens, Thomason, Tidemann, Vasgaard, Weis,  
22 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

23 Excused:

24 Reed and St. John

25 So the motion having received an affirmative vote of a majority of the members-elect, the  
26 Speaker declared the motion carried and the amendments were concurred in.

27 Rep. Kent Peterson moved that the House do concur in Senate amendments to **HB 1078**.

28 The question being on Rep. Kent Peterson's motion that the House do concur in Senate  
29 amendments to **HB 1078**.

30 And the roll being called:

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

32 Yeas:

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

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1 Excused:  
2 Reed and St. John

3 So the motion having received an affirmative vote of a majority of the members-elect, the  
4 Speaker declared the motion carried and the amendments were concurred in.

5 **CONSIDERATION OF REPORTS OF COMMITTEES**

6 Rep. Kent Peterson moved that the reports of the Standing Committees on  
7 Health and Human Services on **HB 1179** as found on page 250 of the House Journal; also  
8 Military and Veterans Affairs on **HB 1057** as found on page 250 of the House Journal; and  
9 Transportation on **SB 82** as found on page 251 of the House Journal be adopted.  
10 Which motion prevailed and the reports were adopted.

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

12 The Speaker declared that **HB 1148 and 1227** were withdrawn at the request of the prime  
13 sponsors pursuant to Joint Rule 6B-1.1.

14 The following bill was read on February 3, 2021, and today the Speaker assigned this bill to  
15 committee:

16 **HB 1219** was referred to the Committee on Agriculture and Natural Resources.

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

18 **SB 44:** FOR AN ACT ENTITLED, An Act to authorize, regulate, and tax wagering on sporting  
19 events within the city limits of Deadwood and provide a penalty for a violation thereof.

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

21 **SB 81:** FOR AN ACT ENTITLED, An Act to authorize certain flags and flagpoles to be located  
22 on residential property regardless of any private covenants, restrictions, bylaws, rules, or  
23 requirements.

24 **SB 92:** FOR AN ACT ENTITLED, An Act to require that certain proposed rules include a housing  
25 cost impact statement.

26 **SB 134:** FOR AN ACT ENTITLED, An Act to limit the required application of green building  
27 standards.

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

1 **SB 86:** FOR AN ACT ENTITLED, An Act to revise certain requirements regarding the review of  
2 initiated amendments to the Constitution and to declare an emergency.

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

4 **SB 105:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding operator's  
5 licenses, instruction permits, and restricted minor's permits.

6 **SB 136:** FOR AN ACT ENTITLED, An Act to change the criteria for a petition to vacate a  
7 highway.

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

9 The following bill was read on February 4, 2021, and today the Speaker assigned this bill to  
10 committee:

11 **SB 57** was referred to the Committee on Commerce and Energy.

12 The following bill was read on February 5, 2021, and today the Speaker assigned this bill to  
13 committee:

14 **SB 55** was referred to the Committee on Commerce and Energy.

15 The following bills were read on February 8, 2021, and today the Speaker assigned these bills  
16 to committee:

17 **SB 108, 142 and 168** were referred to the Committee on Local Government.

18 The following bills were read on February 9, 2021, and today the Speaker assigned these bills  
19 to committees:

20 **SB 36** was referred to the House Committee on Appropriations.

21 **SB 77 and 102** were referred to the Committee on Local Government.

22 **SB 85** was referred to the Committee on Retirement Laws.

23 **SB 59** was referred to the Committee on Transportation.

24 **SCR 602** was read on February 8, 2021, and today the Speaker waived the referral to  
25 committee, and placed the bill on the calendar of the 21<sup>st</sup> legislative day.

26 **SECOND READING OF CONSENT CALENDAR ITEMS**

27 **HB 1235:** FOR AN ACT ENTITLED, An Act to provide for the platting of certain land without  
28 infrastructure requirements.

1 **SB 60:** FOR AN ACT ENTITLED, An Act to revise the membership of the Law Enforcement  
2 Officers Standards Commission.

3 **SB 74:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding drones.

4 Were read the second time.

5 The question being "Shall **SB 60 and 74** pass as amended, and **HB 1235** pass?"

6 And the roll being called:

7 Yeas 68, Nays 0, Excused 2, 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, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
13 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph,  
14 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, Stevens, Thomason, Tidemann, Vasgaard, Weis,  
15 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

16 Excused:

17 Reed and St. John

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

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

21 **HB 1126:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding absentee  
22 ballots.

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

24 The question being "Shall **HB 1126** pass as amended?"

25 And the roll being called:

26 Yeas 52, Nays 16, Excused 2, Absent 0

27 Yeas:

28 Aylward, Barthel, Beal, Blare, Chaffee, Davis, Dennert, Derby, Deutsch, Drury, Finck,  
29 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin  
30 Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins,  
31 Mortenson, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Sue Peterson, Pischke, Randolph,  
32 Rehfeldt, Reimer, Schneider, Soye, Stevens, Vasgaard, Weis, Wiese, Willadsen, Wink, York, and  
33 Speaker Gosch

34 Nays:

35 Anderson, Bartels, Bordeaux, Chase, Cwach, Duba, Healy, Keintz, Lesmeister, Olson, Kent  
36 Peterson, Pourier, Jamie Smith, Thomason, Tidemann, and Weisgram

37 Excused:

38 Reed and St. John



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

3 **HB 1195:** FOR AN ACT ENTITLED, An Act to authorize the participation of certified registered  
4 nurse anesthetists in the recruitment assistance program.

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

6 The question being "Shall **HB 1195** pass?"

7 And the roll being called:

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

9 Yeas:

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

17 Excused:

18 Reed and St. John

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

21 **HB 1017:** FOR AN ACT ENTITLED, An Act to to revise the appropriation for the construction of  
22 a cold storage building located in Sioux Falls and to declare an emergency.

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

24 The question being "Shall **HB 1017** pass?"

25 And the roll being called:

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

27 Yeas:

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

35 Excused:

36 Reed and St. John

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

1 **HB 1018:** FOR AN ACT ENTITLED, An Act to authorize the construction of a National Guard  
2 Readiness Center in Sioux Falls, to make an appropriation therefor, and to declare an emergency.

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

4 The question being "Shall **HB 1018** pass?"

5 And the roll being called:

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

7 Yeas:

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

15 Excused:

16 Reed and St. John

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

19 **HB 1026:** FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of  
20 extraordinary litigation expenses and to declare an emergency.

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

22 The question being "Shall **HB 1026** pass?"

23 And the roll being called:

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

25 Yeas:

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

33 Excused:

34 Reed and St. John

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

1 **HB 1038:** FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated  
2 natural resources conservation fund to the State Conservation Commission and declare an  
3 emergency.

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

5 The question being "Shall **HB 1038** pass?"

6 And the roll being called:

7 Yeas 68, Nays 0, Excused 2, 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, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
13 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph,  
14 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, Stevens, Thomason, Tidemann, Vasgaard, Weis,  
15 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

16 Excused:

17 Reed and St. John

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

20 **HB 1143:** FOR AN ACT ENTITLED, An Act to authorize certain municipalities to offer limited  
21 incentives for industrial development.

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

23 The question being "Shall **HB 1143** pass?"

24 And the roll being called:

25 Yeas 58, Nays 10, Excused 2, Absent 0

26 Yeas:

27 Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Davis, Dennert,  
28 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,  
29 Haugaard, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills,  
30 Milstead, Miskimins, Mortenson, Mulally, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue  
31 Peterson, Pischke, Pourier, Rehfeldt, Reimer, Schneider, Soye, Stevens, Thomason, Tidemann,  
32 Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

33 Nays:

34 Cwach, Healy, Howard, Phil Jensen, Keintz, Lesmeister, Odenbach, Randolph, Jamie Smith,  
35 and Weis

36 Excused:

37 Reed and St. John

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

1 Speaker Pro tempore Hansen now presiding.

2 **HB 1115**: FOR AN ACT ENTITLED, An Act to revise the qualifications of Game, Fish and Parks  
3 commissioners.

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

5 The question being "Shall **HB 1115** pass?"

6 And the roll being called:

7 Yeas 45, Nays 22, Excused 3, Absent 0

8 Yeas:

9 Anderson, Aylward, Bartels, Barthel, Beal, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,  
10 Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Hoffman, Jamison, Kevin Jensen,  
11 Chris Johnson, Koth, Ladner, Marty, May, Milstead, Miskimins, Mortenson, Odenbach, Overweg,  
12 Perry, Sue Peterson, Randolph, Reimer, Schneider, Soye, Thomason, Vasgaard, Weis, Weisgram,  
13 Wiese, Willadsen, Wink, and Speaker Gosch

14 Nays:

15 Blare, Bordeaux, Dennert, Duba, Haugaard, Healy, Howard, Phil Jensen, Keintz, Lesmeister,  
16 Mills, Mulally, Olson, Ernie Otten, Kent Peterson, Pischke, Pourier, Rehfeldt, Jamie Smith, Stevens,  
17 Tidemann, and York

18 Excused:

19 Karr, Reed, and St. John

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

22 Speaker Gosch now presiding.

23 **SB 87**: FOR AN ACT ENTITLED, An Act to exempt health benefit plans sponsored by nonprofit  
24 agricultural organizations from insurance regulation.

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

26 The question being "Shall **SB 87** pass?"

27 And the roll being called:

28 Yeas 50, Nays 16, Excused 4, Absent 0

29 Yeas:

30 Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Davis, Dennert, Deutsch,  
31 Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard,  
32 Jamison, Kevin Jensen, Phil Jensen, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson,  
33 Mulally, Odenbach, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Rehfeldt,  
34 Reimer, Schneider, Soye, Stevens, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

35 Nays:

36 Anderson, Cwach, Derby, Duba, Healy, Chris Johnson, Keintz, Koth, Lesmeister, Olson, Ernie  
37 Otten, Pourier, Jamie Smith, Thomason, Weisgram, and Willadsen



