

# **Senate Stands With SDHSAA On Transgender Athletic Policy**

BY BOB MERCER State Capitol Bureau

PIERRE — Republican senators Mike Vehle of Mitchell and Jim White of Huron made the difference Wednesday, as the Legislature's bitter fight finally ended over the transgender athlete policy used by the South Dakota High School Athletic Association.

Vehle and White, the final names in the roll call, each voted no, as the Senate narrowly failed to pass legislation that would have declared void the policy allowing for transgender athletes

The measure would have required instead that athletes compete using the genders on their birth certificates.

The Senate vote was 16 yes and 18 no. Passage of SB 140 would have required 18 yes votes.

On Tuesday, the Senate had refused to debate a similar bill, HB 1145, rejecting the request 19-15. But later Tuesday the House of Representatives gutted SB 140 and inserted the contents from HB 1145, sending it to the Senate for a showdown.

The association's board of directors adopted the policy in June as a step to help school districts protect against lawsuits over gender discrimination.

the policy in the fall and some came to the 2015 session prepared to wage battle against it.

'Now it's our opportunity to weigh in," one of the opponents, Sen. Brock Greenfield, R-Clark, said

The prime sponsor of HB 1145 was Rep. Jim Bolin, R-Canton, who maneuvered in the House on Tuesday afternoon to resurrect it through the use of SB 140, a

process known as a hog-house. The lead sponsor in the Senate explained Wednesday why he

joined Bolin on the bill. Sen. Ernie Otten, R-Tea, said minors shouldn't be allowed to choose their genders in contradiction of the information on their birth certificates.

Legislators gradually learned of

as the debate began Wednesday.

Tyndall.

"very good work" on the policy.

should do is interfere with that process," Hunhoff said.

Van Gerpen said there are two ation deals with the activities, he said.

Hunhoff

Van Gerpen

"Does an association have the right to supersede a government document, in other words, a birth certificate?" Otten asked. "I submit to you they don't have that authority.

Among those trading arguments were Sen. Bernie Hunhoff, D-Yankton, and Sen. Bill Van Gerpen, R-

Hunhoff said the association did

The last thing this Legislature

sets of responsibilities. The associ-

"We're the ones, the Legislature, that dealt with the students." Van Gerpen said.

White said he asked SDHSAA executive director Wayne Carney how many schools had contacted the office with problems.

'Zero. Not one person has come to them and said there is a problem," White said.

He added that the SDHSAA plans to address the policy in the wake of the Legislature's struggles over it.

"I'm not disregarding or saying the previous speakers are wrong. I'm saying someone is going to have to take responsibility," White

"There are still young people who are going to have be addressed in the transgender sector," White continued. "Who is going to take that?

Another opponent, Sen. Bob Ewing, R-Spearfish, said the matter was too urgent to spend a year letting the association work on the

said. "It needs to be looked at right away.

### HOW THEY VOTED

Here's the tally from the Senate on SB 140 that sought to void the high school ac-tivities association policy allowing trans-gender athletes. The bill failed 16-18.

Yes – Gary Cammack, R-Union Center. Bob Ewing, R-Spearfish. Brock Greenfield, R-Clark. Jenna Haggar, R-Sioux Falls. Phyllis Heineman, R-Sioux Falls. Ried Holien, R-Watertown. Phil Jensen, R-Rapid City. Dan Lederman, R-Dakota Dunes. Jeff Monroe, R-Pierre. Dave Novstrup, R-Ab-erdeen. Betty Olson, R-Prairie City. David Omdahl, R-Sioux Falls, Ernie Otten, R-Tea. Jim Peterson, D-Revillo. Bruce Rampel-berg, R-Rapid City. Bill Van Gerpen, R-Tyndall.

No – Jim Bradford, D-Pine Ridge. Corey Brown, R-Gettysburg. Angie Buhl O'Donnell, D-Sioux Falls. Jason Frerichs, D-Wilmot. Terri Haverly, R-Rapid City. Troy Heinert, D-Mission. Bernie Hunhoff, D-Scott Parsley, D-Madison. Deb Yankton. Peters, R-Hartford. Tim Rave, R-Baltic. Art Rusch, R-Vermillion. Deb Soholt, R-Sioux Falls. Alan Solano, R-Rapid City. Billie Sutton, D-Burke. Larry Tidemann, R-Brook-ings. Craig Tieszen, R-Rapid City. Mike Vehle, R-Mitchell. Jim White, R-Huron. Excused – Blake Curd, R-Sioux Falls.

policy. "We don't want to wait," Ewing

## Nebraska Farmland Tax Bill Stalls

### BY GRANT SCHULTE

Associated Press

LINCOLN, Neb. — Efforts to lower Nebraska property taxes stalled in a legislative committee on Wednesday, including one measure backed by farm groups and Gov. Pete Ricketts, but the panel did support a tax break for personal property used by businesses

A bill to lower the taxable value of Nebraska farmland received only two votes of support on the eight-member Revenue Committee. The Republican governor and the Nebraska Farm Bureau supported the measure, but op-ponents said it would shift the tax burden to residential homeowners and prompt local school districts to raise tax levies to make up for lost revenue.

Opponents also said the measure, which would lower the taxable value of farmland from 75 percent to 65 percent, was mostly symbolic because it wouldn't deliver the savings that farmers wanted.

The bill's sponsor, Sen. Lydia Brasch of Bancroft, said farmers and ranchers have repeatedly called on lawmakers to act and urged committee members to advance the bill to show they listened to those concerns. Ricketts has argued that soaring values of agricultural land have created an unsustainable situation for farmers and ranchers, but values have recently started to dip.

The second rejected bill would have phased in income and property tax cuts over eight years. But the bill's sponsor, Sen. Jim Smith of Papillion, pulled the legislation after the committee rejected an amendment meant to make it more appealing by cutting the cost to the state and using the money to benefit agriculture land owners.

"It's achievable, it's responsible, it's modest," Smith

said of the plan, crafted by the Omaha-based Platte Institute, a free-market think tank.

But opponents noted the bill would lower the state's top tax bracket, which would benefit the wealthy more than the middle-class. They said it would eventually leave the state with a \$120 million budget hole that future lawmakers would have to address.

The committee advanced a bill that would create a tax exemption for equipment, furniture and other personal property used by businesses.

Sen. Mike Gloor of Grand Island, the Revenue Committee's chairman, said it would return about \$6 million to Nebraska farmers who pay taxes on tractors, combines and other equipment while not rewarding out-ofstate landowners.

"Every little bit helps," Gloor said. "We're still talking about moving forward.'

Gloor said the state's budget-focused Appropriations Committee has already proposed an additional \$45 million annually for the state's property tax credit fund, which reduces what all homeowners and landowners pay.

In addition, he said the state faces higher costs for Medicaid, the Department of Health and Human Services, and state's embattled prison system. Lawmakers have about \$41 million at their disposal for legislative priorities that aren't already part of the two-year budget.

Gloor said lawmakers could still act on other tax bills this year, but the larger problem lies with Nebraska's school-aid formula, which distributes state money to school districts. More rural districts are losing state equalization aid because of soaring farmland values, but farmers in those districts say they're already shouldering too much of the local tax burden.

### **B. Johnson Plans To Work** With Tribes In Law Firm Job

#### **BY CARSON WALKER** Associated Press

SIOUX FALLS - Brendan Johnson returns to private practice in a job he says will build on what he did during his 5 1/2 years as U.S. attorney for South Dakota.

He left that position Wednesday to open a Sioux Falls office for the Minneapolis-based law firm Robins Kaplan LLP. He said he'll spend about 40 percent of his time in South Dakota and the rest in Minneapolis and other places the firm does business.

We'll really be focused on fewer numbers but really quality cases where we believe the firm can make a significant difference in the litigation," said Johnson, who was previously precluded from talking about his plans because of Department of Justice rules.

He said much of his work will be representing Native Americans and tribes and on internal investigations like those the firm did for the Minnesota

Vikings over the release of a player and for the Fiesta Bowl in Arizona after allegations of wrongdoing surfaced. He said the presence of an office in the state will allow clients to tap the expertise and resources of a large law firm known nationally for its work in the courtroom.

There are times when we represent corporations when they have commercial litigation. But there are times when we represent regular individuals who've been harmed or injured," Johnson said. "With this law firm, it is on both sides of the 'V,' if you will.'

Some South Dakota Democrats had hoped Johnson would run for the Senate seat left open when his father, U.S. Sen. Tim Johnson, retired in January, but he said he has no political plans.

First Assistant U.S. Attorney Randy Seiler will serve as acting U.S. attorney. On Wednesday, he said he plans to formally seek the nomination, which requires Senate confirmation. He said he and Johnson already have reached out to the state's congressional delegation.

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