

Committee: House State Affairs

Friday, February 05, 2021 7:45 AM

Roll Call

Present: Rep. Anderson, Rep. Beal, Rep. Chaffee, Rep. Goodwin, Rep. Gosch, Rep. Hansen, Rep. Kevin Jensen, Rep. Chris Johnson, Rep. Lesmeister, Rep. Kent Peterson, Rep. Reimer, Rep. Jamie Smith, and Rep. Wiese

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kent Peterson

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 03RD

Moved by: Gosch
Second by: Hansen
Action: Prevailed by voice vote

HB 1089 : authorize the disclosure of protection and security expenditures for public officials.

Presented by: Representative Taffy Howard (Handout(s) 1,2,3,4,5,6,7,8,9,10,11)

Proponents: David Bordewyk, South Dakota Newspaper Association
Dan Forgey, self, Gettysburg
Megan Colunga, self, Sturgis
Tim L. Waltner, self, Freeman
Randy Chavez, self, Custer
Representative Phil Jensen

Opponents: Craig Price, Department of Public Safety
David Gilbertson, self, Lake City

MOTION: DEFER HB 1089 TO THE 41ST LEGISLATIVE DAY

Moved by: Goodwin
Second by: Hansen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1089

Moved by: Jamie Smith
Second by: Lesmeister
Action: Failed by roll call vote (3-10-0-0)

Voting Yes: Lesmeister, Jamie Smith, and Wiese

Voting No: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, and Reimer

Revert to previous motion

MOTION: DEFER HB 1089 TO THE 41ST LEGISLATIVE DAY

Moved by: Goodwin

Second by: Hansen
Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, Reimer, and Wiese

Voting No: Lesmeister and Jamie Smith

HB 1103 : authorize the State-Tribal Relations Committee to issue subpoenas.

Presented by: Representative Shawn Bordeaux
Proponents: Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
Ross B Garelick Bell, Oglala Sioux Tribe, Pine Ridge
Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner

MOTION: DO PASS HB 1103

Moved by: Lesmeister
Second by: Jamie Smith
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1103 TO THE 41ST LEGISLATIVE DAY

Moved by: Anderson
Second by: Gosch
Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, Reimer, and Wiese

Voting No: Lesmeister and Jamie Smith

HB 1106 : require that training on Native American law be provided to legislators and legislative staff.

Presented by: Representative Shawn Bordeaux
Proponents: Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
Ross B Garelick Bell, Oglala Sioux Tribe, Pine Ridge
Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner

MOTION: DEFER HB 1106 TO THE 41ST LEGISLATIVE DAY

Moved by: Hansen
Second by: Gosch
Action: Prevailed by roll call vote (9-4-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Hansen, Chris Johnson, Kent Peterson, Reimer, and Wiese

Voting No: Gosch, Kevin Jensen, Lesmeister, and Jamie Smith

HCR 6001 : supporting the amendment of the Sioux - Dakota Removal Act.

Presented by: Representative Tamara St. John

Opponents: Dallas Owen, Enemy Swim Council, Sisseton-Wahpeton Oyate, Waubay
 Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
 Ross B Garelick Bell, Oglala Sioux Tribe, Pine Ridge
 Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
 Ross B Garelick Bell, Yankton Sioux Tribe, Wagner
 Representative Shawn Bordeaux

MOTION: AMEND HCR 6001

HCR6001B

- On page 1, line 3, of the Introduced bill, delete " inhabited by the Dakota, Anishinaabe, and Ho-Chunk (Winnebago) Native Americans for thousands of years before European discovery of North America, making these lands, lakes, and rivers the indigenous homes to these tribes" and insert " aboriginal homeland to the Dakota and other indigenous nations"
- On page 1, line 7, of the Introduced bill, after "established," delete " and with it, came a myriad of settlers encroaching upon the lands of the Dakota people beginning a tenuous"
- On page 1, line 9, of the Introduced bill, after "tenuous " insert "following years of land cessions and "
- On page 1, line 8, of the Introduced bill, after "treaty" delete " process between the United States and"
- On page 1, line 9, of the Introduced bill, after "and " insert "making that eventually reduced the lands of the Dakota and Minnesota to a ten mile strip along "
- On page 1, line 9, of the Introduced bill, delete "tribes" and insert "Minnesota River"
- On page 1, line 10, of the Introduced bill, after "by " insert "August of "
- On page 1, line 10, of the Introduced bill, delete " the treaties" and insert a comma
- On page 1, line 10, of the Introduced bill, after "treaties " insert "relations "
- On page 1, line 11, of the Introduced bill, after "encroachment" insert " on Dakota lands"
- On page 1, line 11, of the Introduced bill, after "payments" delete " and obligations to the Dakota, and the refusal of traders to sell to the tribes"
- On page 1, line 12, of the Introduced bill, delete " on the reservations" and insert " and loss of life"
- On page 1, line 14, of the Introduced bill, delete "faced with starvation and sensing a conflict, tribal leaders led an attack on the New Ulm Settlement, and on other local areas, " and insert "loss of the homelands that had previously sustained the Dakota and their families for hundreds of years led to a conflict known as the Minnesota Massacre or the Dakota War, "
- On page 1, line 15, of the Introduced bill, delete ", thereby prompting President Abraham Lincoln to deploy the United States military" and insert " and much loss of Dakota lives"
- On page 1, line 17, of the Introduced bill, after "the " insert "United States "
- On page 1, line 17, of the Introduced bill, after "in" delete " an eventual capture of the tribes and their people, and prompted"
- On page 1, line 19, of the Introduced bill, after "Dakota" delete " warriors"
- On page 1, line 19, of the Introduced bill, after "hanging " insert "in December of 1862 in Mankato "
- On page 1, line 21, of the Introduced bill, after "1863" insert ", "
- On page 1, line 21, of the Introduced bill, after "passed" delete " a series of acts to deprive the tribes of their lands,"
- On page 1, line 22, of the Introduced bill, after "lands, " insert "legislation to overturn all treaties with the Dakota and Winnebago "
- On page 2, line 2, of the Introduced bill, after "tribes" delete " and directed the moneys originally due to these tribes to Minnesota settlers harmed during the conflict"
- On page 2, line 7, of the Introduced bill, after "Dakota"" delete " that forced the rebellious Dakota Tribes out of Minnesota and deprived them of their treaty lands; and"

On page 2, line 9, of the Introduced bill, after "and" delete " WHEREAS, the descendants of these displaced people are currently members of federally recognized tribes headquartered in North Dakota, South Dakota, and Nebraska"

On page 2, line 12, of the Introduced bill, after "and " insert "to some Dakota people, "

On page 2, line 13, of the Introduced bill, delete "Senate " and insert "House of Representatives "

On page 2, line 14, of the Introduced bill, delete "House of Representatives " and insert "Senate "

On page 2, line 14, of the Introduced bill, after "that" delete ":

(1) The"

On page 2, line 15, of the Introduced bill, after "that:

(1) The " insert "the "

On page 2, line 17, of the Introduced bill, after "to" delete " remove the"

On page 2, line 17, of the Introduced bill, delete "banishment of the applicable tribes from their ancestral homelands, and that such amendment not affect any property rights originally established through the law nor impact any of the land that was given to any of the tribes during the passage of these removal acts; and

(2) The Legislature further requests that the United States of America issue a formal statement of reconciliation to the Dakota Tribes affected by the Sioux - Dakota Removal Act" and insert "acknowledge the ancestral homelands of the Dakota people and to acknowledge their continued presence in what is now known as the state of Minnesota"

On page 2, line 25, of the Introduced bill, delete "Senate " and insert "House "

On page 2, line 27, of the Introduced bill, after "Representatives" delete ", to the president pro tempore and secretary of the United States Senate, and to the members of the South Dakota, North Dakota, Nebraska, and Minnesota Congressional delegations"

Moved by: Gosch

Second by: Hansen

Action: Prevailed by voice vote

MOTION: DO PASS HCR 6001 AS AMENDED

Moved by: Gosch

Second by: Beal

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HCR 6001 TO THE 41ST LEGISLATIVE DAY

Moved by: Lesmeister

Second by: Jamie Smith

Action: Prevailed by roll call vote (9-4-0-0)

Voting Yes: Anderson, Chaffee, Goodwin, Hansen, Chris Johnson, Lesmeister, Kent Peterson, Jamie Smith, and Wiese

Voting No: Beal, Gosch, Kevin Jensen, and Reimer

HB 1176 : revise provisions regarding the South Dakota Capitol Complex Restoration and Beautification Commission.

Presented by: Representative Peri Pouier

Proponents: Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
Ross B Garelick Bell, Oglala Sioux Tribe, Pine Ridge
Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner

MOTION: DO PASS HB 1176

Moved by: Jamie Smith
Second by: Lesmeister
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1176 TO THE 41ST LEGISLATIVE DAY

Moved by: Gosch
Second by: Hansen
Action: Prevailed by roll call vote (10-3-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, and Wiese

Voting No: Lesmeister, Reimer, and Jamie Smith

MOTION: ADJOURN

Moved by: Kevin Jensen
Second by: Beal
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KENT PETERSON
Kent Peterson, Chair