

Committee: House State Affairs

Wednesday, February 17, 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, and Rep. Wiese
Present (Remote): Rep. Jamie Smith

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kent Peterson

MOTION: TO APPROVE THE MINUTES OF

Moved by: Gosch
Second by: Hansen
Action: Prevailed by Unanimous Consent (13-0-0-0)

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

HB 1110 : prohibit the performance of abortions due to Down syndrome and to provide a penalty therefor.

Presented by: Mark Miller, General Counsel, Office of the Governor (Handout(s) 1)

Proponents: Susan Liebel, Susan B. Anthony List, Arlington
Tara Sander Lee, self, Brookfield, Wisconsin
Katie Shaw, self, Indianapolis, Indiana (Handout(s) 2)
Tami Fite, self, Platte
Cody Fite, self, Platte
LouAnn Blain, self, Rapid City
Tucker Blain, self, Rapid City
Mary O'Callaghan, self, Granger, Indiana
Glenn Ridder, self, Sioux Falls
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Linda Schauer, Concerned Women for America, Alexandria
Chris Motz, South Dakota Catholic Conference, Sioux Falls
Norman Woods, Family Heritage Alliance Action, Rapid City

MOTION: AMEND HB 1110

1110A

On page 1, line 13, of the Introduced bill, after "a " delete "genetic "

Moved by: Hansen
Second by: Gosch
Action: Prevailed by roll call vote (13-0-0-0)

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

MOTION: DO PASS HB 1110 AS AMENDED

Moved by: Gosch
 Second by: Kevin Jensen
 Action: Prevailed by roll call vote (13-0-0-0)

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1110 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**HB 1130 : establish requirements for the presentation of a written statement regarding the discontinuance of a drug-induced abortion.**

Presented by: Representative Steven Haugaard
 Proponents: Dale Allen Bartscher, South Dakota Right to Life, Rapid City (Handout(s) 3)
 Norman Woods, Family Heritage Alliance Action, Rapid City
 Glenn Ridder, self, Sioux Falls
 Chris Motz, South Dakota Catholic Conference, Sioux Falls
 Opponents: Dean Krogman, State Medical Association SD, Sioux Falls

MOTION: AMEND HB 1130

1130B

On page 2, line 17, of the Introduced bill, after "Mifepristone" insert ", or another drug approved by the United States Food and Drug Administration for the same use,"

On page 4, line 22, of the Introduced bill, after "Mifepristone, " insert "or another drug approved by the United States Food and Drug Administration for the same use, "

On page 4, line 25, of the Introduced bill, delete "Mifepristone" and insert " the first drug"

On page 4, line 30, of the Introduced bill, after "accessing " insert "www. abortionpillreversal. com"

On page 4, after line 29, of the Introduced bill, insert "

Section 2. That § 34-23A-10.3 be AMENDED.

34-23A-10.3. Publication of educational materials.

The health department shall publish, in culturally sensitive languages, ~~within one hundred eighty days after July 1, 2005,~~ the following printed materials, in such a way as to ensure that the information is easily comprehensible:

- (1) Materials designed to inform the pregnant woman of all the disclosures enumerated in § 34-23A-10.1;
- (2) Materials designed to inform the pregnant woman of public and private agencies and services available to assist a pregnant woman through pregnancy, upon childbirth and while the child is dependent, including adoption agencies, which shall include a list of the agencies available and a description of the services they offer;
- (3) Materials designed to inform the pregnant woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a pregnant woman can be known to be pregnant to full term, including any relevant information on the possibility of the unborn child's survival and pictures or drawings representing the development of unborn children at two-week gestational increments. Such pictures or drawings shall contain the dimensions of the fetus and shall be realistic and appropriate for the

stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages; and

- (4) Materials designed to inform the pregnant woman that: "If someone is sexually abusing you or causing you to exchange sex for something of value, and you want help, call 911, text or call the number provided on this notice."

The materials shall be printed in a typeface large enough to be clearly legible and shall be available at no cost from the Department of Health upon request and in appropriate number to any person, facility, or hospital.

"

Moved by: Wiese
 Second by: Kevin Jensen
 Action: Prevailed by roll call vote (13-0-0-0)

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

MOTION: DO PASS HB 1130 AS AMENDED

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

MOTION: SUBSTITUTE MOTION: AMEND HB 1130

1130C

On page 4, line 28, of the Introduced bill, after "immediately." delete " You can receive information and a medical referral twenty-four hours per day, seven days a week by calling 877-558-0333 or by accessing [www. abortionpillreversal. com.](http://www.abortionpillreversal.com)"

Moved by: Goodwin
 Second by: Anderson
 Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Anderson, Goodwin, Lesmeister, Kent Peterson, Reimer, and Jamie Smith

Voting No: Beal, Chaffee, Gosch, Hansen, Kevin Jensen, Chris Johnson, and Wiese

Revert to previous motion

MOTION: DO PASS HB 1130 AS AMENDED

Moved by: Hansen
 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 1100 : establish criteria regarding marijuana.

Presented by: Katie Hruska, Deputy General Counsel, Governor's Office

Proponents: Mike Houdyshell, Department of Revenue
Brett Koenecke, South Dakota Bankers Association, Pierre
Yvonne Taylor, South Dakota Municipal League
Kim Malsam-Rysdon, Department of Health
Tim Rave, South Dakota Association of Healthcare Organizations
Craig Price, Department of Public Safety
Tiffany Sanderson, Department of Education
Dianna Miller, Large School Group

The committee went into recess until 3:00PM or 15 minutes after House adjourns. At that time the committee will reconvene to continue testimony on HB1100 and hear HB1124 and HB 1156.

The meeting was called back to order by Representative Peterson at 3:55PM.

All committee members were present with Representative Smith participating remotely.

THE CHAIR DEFERRED HB 1156

HB 1100 : establish criteria regarding marijuana.

Opponents: Liz Tiger, self, Spearfish
Melissa Mentele, New Approach SD, self, Emery
Ned Horsted, self, Sioux Falls (Handout(s) 4)
Kittrick Jeffries, Dakota Cannabis Consulting, Rapid City
Seth Casper Pearman, Flandreau Santee Sioux Tribe, Flandreau
Emmett Reistraffer, Johnson Properties LLC, Rapid City, South Dakota
Tonya Ling, self, Sioux Falls
Anthony Rizzo, self, Sturgis
Rhea Tippmann, self, Fairburn
Jason Rutz, self, Hot Springs
Rebecca M. Terk, Dakota Rural Action, Rapid City
Tim Hughes, self, Summerset
Kyle Scranton, self, Rapid City
Others: Justin Williams, Department of Health

MOTION: DO PASS HB 1100 AS AMENDED

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

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

Voting No: Beal, Lesmeister, and Jamie Smith

HB 1124 : modify certain requirements concerning the printing of ballots.

Presented by: Representative Drew Dennert

Proponents: Roger Tellinghuisen, South Dakota Association of County Officials, Pierre

MOTION: SUBSTITUTE MOTION: **AMEND HB 1124**

1124A

On page 1, line 15, of the Introduced bill, after "printed" delete " no earlier than sixty days prior to a primary or general election"

On page 1, line 17, of the Introduced bill, after "election. " insert "However, if there is a valid challenge to the election, those ballots may not be printed earlier than sixty days prior to a primary or general election. "

Moved by: Anderson

Second by: Gosch

Action: Withdrawn

Revert to previous motion

MOTION: SUBSTITUTE MOTION: **AMEND HB 1124**

1124B

On page 1, line 15, of the Introduced bill, after "printed" delete " no earlier than sixty days prior to a primary or general election"

On page 1, line 17, of the Introduced bill, after "election. " insert "However, if there is a challenge pursuant to § 12-1-13 or 12-1-16, official ballots may not be printed until the challenge has been resolved or until sixty days prior to the primary or general election, whichever occurs first. "

Moved by: Anderson

Second by: Kevin Jensen

Action: Prevailed by roll call vote (12-0-1-0)

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

Excused: Beal

MOTION: **DO PASS HB 1124 AS AMENDED**

Moved by: Anderson

Second by: Goodwin

Action: Prevailed by roll call vote (12-1-0-0)

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

Voting No: Gosch

MOTION: **ADJOURN**

Moved by: Kevin Jensen

Second by: Beal

Action: Prevailed by Unanimous Consent (13-0-0-0)

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

Pam Kean, Committee Secretary

/s/ KENT PETERSON
Kent Peterson, Chair