Committee: House State Affairs Wednesday, February 24, 2021 6:30 AM

Roll Call
Present: Rep. Anderson, 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
Excused: Rep. Beal

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kent Peterson

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 22ND

Moved by: Hansen
Second by: Chris Johnson
Action: Prevailed by voice vote

HB 1095 : establish criteria regarding marijuana.

Presented by: Representative Spencer Gosch
Opponents: Ned Horsted, self, Sioux Falls

MOTION: DO PASS HB 1095

Moved by: Chris Johnson
Second by: Hansen
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

HB 1101 : establish criteria regarding marijuana.

Presented by: Representative Spencer Gosch

MOTION: TO TABLE HB 1101

Moved by: Chris Johnson
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

HB 1135 : accommodate legislation on medical services.

Presented by: Representative Kent Peterson

MOTION: **DO PASS HB 1135**

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

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

Excused: Beal and Kevin Jensen

HB 1137 : accommodate legislation relating to education in South Dakota.

Presented by: Representative Kent Peterson

MOTION: **DO PASS HB 1137**

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

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

Excused: Beal and Kevin Jensen

HB 1182 : accommodate legislation relating to the protection of public safety.

Presented by: Representative Kent Peterson

MOTION: **DO PASS HB 1182**

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

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

Excused: Beal and Kevin Jensen

HB 1218 : accommodate legislation relating to supporting families in South Dakota.

Presented by: Representative Jamie Smith

MOTION: **TO TABLE HB 1218**

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

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

Excused: Beal and Kevin Jensen

HB 1243 : protect the consumer in South Dakota.

MOTION: TO TABLE HB 1243

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

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

Excused: Beal and Kevin Jensen

HB 1194 : authorize the review of certain executive orders issued by the President of the United States.

Presented by: Representative Aaron Alyward (Handout(s) 1)
Proponents: Mike Maharrey, self, Yulee, Florida

MOTION: AMEND HB 1194

1194A

On page 1, line 6, of the Introduced bill, delete " may" and insert " shall"
On page 1, line 12, of the Introduced bill, after "seek " delete "an exemption from the application of the order or seek "
Moved by: Hansen
Second by: Gosch
Action: Prevailed by voice vote

MOTION: DO PASS HB 1194 AS AMENDED

Moved by: Gosch
Second by: Chris Johnson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND HB 1194

1194B

On page 1, line 17, of the Introduced bill, after "person's " insert "constitutional "
Moved by: Hansen
Second by: Wiese
Action: Prevailed by voice vote

MOTION: DO PASS HB 1194 AS AMENDED

Moved by: Gosch

Second by: Chris Johnson
Action: Prevailed by roll call vote (7-4-2-0)

Voting Yes: Chaffee, Goodwin, Gosch, Hansen, Chris Johnson, Reimer, and Wiese

Voting No: Anderson, Lesmeister, Kent Peterson, and Jamie Smith

Excused: Beal and Kevin Jensen

HB 1225 : establish provisions concerning the sale of adult-use retail marijuana.

Presented by: Representative Mike Derby
Proponents: Dawna Leitzke, South Dakota Petroleum and Propane Marketers Association, Pierre (Handout(s) 2,3)
Emmett Reistraffer, Johnson Properties LLC, Rapid City, South Dakota
Opponents: Mike Houdyshell, Department of Revenue

MOTION: DEFER HB 1225 TO THE 41ST LEGISLATIVE DAY

Moved by: Chris Johnson
Second by: Gosch
Action: Prevailed by roll call vote (11-1-1-0)

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

Voting No: Gosch

Excused: Beal

HB 1212 : clarify the use of force.

Presented by: Representative Kevin Jensen (Handout(s) 4)
Opponents: Paul Bachand, South Dakota State's Attorneys Association
Karen Pettigrew, self, Rapid City
Julie Parker, self, Sioux Falls
Shannon Emry, self, Brandon
Tiffany Sarah Theolke, self, Sioux Falls
Susan Torres, self, Sioux Falls (Handout(s) unable to connect; written testimony provided)

MOTION: AMEND HB 1212

1212B

On page 4, line 10, of the Introduced bill, after "unlawfully " delete "and by force "
On page 5, line 11, of the Introduced bill, delete "22-18-6" and insert " 22-18-4.7"
Moved by: Hansen
Second by: Chris Johnson
Action: Prevailed by voice vote

MOTION: DO PASS HB 1212 AS AMENDED

Moved by: Hansen
Second by: Goodwin
Action: Prevailed by roll call vote (10-1-2-0)

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

Voting No: Jamie Smith

Excused: Beal and Lesmeister

HB 1108 : permit the playing of an honor song or Lakota Flag Song at certain graduation ceremonies.

Presented by: Representative Shawn Bordeaux
Proponents: Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner
Ross B Garelick Bell, South Dakota Education Equity Coalition, Rapid City
Opponents: Wade Pogany, Associated School Boards of South Dakota

MOTION: DEFER HB 1108 TO THE 41ST LEGISLATIVE DAY

Moved by: Gosch
Second by: Hansen
Action: Failed by roll call vote (6-5-2-0)

Voting Yes: Anderson, Gosch, Hansen, Chris Johnson, Kent Peterson, and Reimer

Voting No: Chaffee, Goodwin, Kevin Jensen, Jamie Smith, and Wiese

Excused: Beal and Lesmeister

MOTION: DO PASS HB 1108

Moved by: Jamie Smith
Second by: Goodwin
Action: Failed by roll call vote (5-6-2-0)

Voting Yes: Chaffee, Goodwin, Kevin Jensen, Jamie Smith, and Wiese

Voting No: Anderson, Gosch, Hansen, Chris Johnson, Kent Peterson, and Reimer

Excused: Beal and Lesmeister

MOTION: WITHOUT RECOMMENDATION HB 1108

Moved by: Gosch
Second by: Jamie Smith
Action: Prevailed by roll call vote (8-3-2-0)

Voting Yes: Anderson, Chaffee, Goodwin, Gosch, Kevin Jensen, Chris Johnson, Jamie Smith, and Wiese

Voting No: Hansen, Kent Peterson, and Reimer

Excused: Beal and Lesmeister

HB 1180 : establish a nonbeneficiary student scholarship program for certain students attending tribally controlled colleges and to make an appropriation therefor.

Presented by: Representative Shawn Bordeaux
Opponents: Derek Johnson, Bureau of Finance and Management
Others: Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner

MOTION: DEFER HB 1180 TO THE 41ST LEGISLATIVE DAY

Moved by: Goodwin
Second by: Hansen
Action: Failed by roll call vote (6-3-4-0)

Voting Yes: Anderson, Chaffee, Goodwin, Hansen, Kent Peterson, and Wiese

Voting No: Kevin Jensen, Reimer, and Jamie Smith

Excused: Beal, Gosch, Chris Johnson, and Lesmeister

Representative Kent Peterson deferred final action on HB1180 until more committee members are present.

HB 1183 : establish certain provisions related to the names of geographic places.

Presented by: Representative Shawn Bordeaux

MOTION: AMEND HB 1183

1183E

On page 1, line 1, of the Introduced bill, delete "establish " and insert "replace "
On page 1, line 1, of the Introduced bill, after "certain " delete "provisions related to the "
On page 1, line 1, of the Introduced bill, after "places" insert " that use offensive names, words, or phrases"
On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act establishes certain provisions related to the names of geographic places."
On page 1, after line 3, of the Introduced bill, insert "
Section 1. That § 1-19C-1 be AMENDED.
1-19C-1. Legislative findings regarding offensive geographic place names.
The Legislature finds that all geographic place names containing the ~~term~~ terms, squaw or scalp, are offensive and insulting to all South Dakota's people, history, and

heritage. ~~These~~ All place names containing the term, squaw, have been replaced by names that reflect South Dakota's people, history, and heritage without resorting to harmful or offensive stereotypes, names, words, or phrases. For the same reason, all names of geographic places containing the term, scalp, shall have the term, naca topa, substituted in place thereof, including the following places in Gregory County:

(1) North Scalp Creek to North Naca Topa Creek;
(2) Scalp Butte to Naca Topa Butte;
(3) Scalp Creek Indian Site to Naca Topa Creek Indian Site;
(4) South Scalp Creek to South Naca Topa Creek; and
(5) South Scalp Creek Recreation Area to South Naca Topa Creek Recreation Area.

All state and local government agencies shall make changes to maps and any other reference materials to reflect the changes provided ~~in~~ pursuant to this chapter. The use of the ~~term~~ terms, squaw or scalp, in whole or in part, is prohibited as a name for any geographic feature within this state.

"

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

MOTION: DEFER HB 1183 TO THE 41ST LEGISLATIVE DAY

Moved by: Gosch
Second by: Kevin Jensen
Action: Prevailed by roll call vote (9-1-3-0)

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

Voting No: Jamie Smith

Excused: Beal, Chris Johnson, and Lesmeister

HB 1187 : require schools to provide instruction on South Dakota's tribal history, culture, and government.

Presented by: Representative Shawn Bordeaux
Proponents: Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson
Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner
Ross B Garelick Bell, South Dakota Education Equity Coalition, Rapid City
Opponents: Shannon Malone, Department of Education
Rob Monson, School Administrators of South Dakota

MOTION: DEFER HB 1187 TO THE 41ST LEGISLATIVE DAY

Moved by: Gosch
Second by: Hansen
Action: Prevailed by roll call vote (8-2-3-0)

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

Voting No: Reimer and Jamie Smith

Excused: Beal, Chris Johnson, and Lesmeister

Representative Kent Peterson entertained a motion for final action on HB1180.

MOTION: DEFER HB 1180 TO THE 41ST LEGISLATIVE DAY

Moved by: Gosch
Second by: Goodwin
Action: Prevailed by roll call vote (7-3-3-0)

Voting Yes: Anderson, Chaffee, Goodwin, Gosch, Hansen, Kent Peterson, and Wiese

Voting No: Kevin Jensen, Reimer, and Jamie Smith

Excused: Beal, Chris Johnson, and Lesmeister

HB 1189 : establish a tribal flag display in the rotunda of the capitol building.

Presented by: Representative Shawn Bordeaux
Proponents: Maggie Seidel, Governor's Office
Opponents: Ross B Garelick Bell, Rosebud Sioux Tribe, Rosebud
Ross B Garelick Bell, Yankton Sioux Tribe, Wagner
Ross B Garelick Bell, CCST - Crow Creek Sioux Tribe, Fort Thompson

MOTION: DO PASS HB 1189

Moved by: Kevin Jensen
Second by: Hansen
Action: Prevailed by roll call vote (8-2-3-0)

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

Voting No: Gosch and Wiese

Excused: Beal, Chaffee, and Lesmeister

MOTION: ADJOURN

Moved by: Kevin Jensen
Second by: Chris Johnson
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KENT PETERSON
Kent Peterson, Chair