

Committee: House State Affairs

Wednesday, March 03, 2021 7:00 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 MONDAY, MARCH 01ST

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

HR 7001 : Impeaching Jason Ravnsborg, Attorney General of the State of South Dakota, for certain crimes or misdemeanors in office.

Presented by: Representative Will Mortenson
Proponents: Nick Nemec, self, Holabird, South Dakota

MOTION: AMEND HR 7001

HR7001F

- On page 1, line 1, of the Introduced bill, delete "Impeaching " and insert "On the potential impeachment of "
- On page 1, line 2, of the Introduced bill, after "Dakota" delete ", for certain crimes or misdemeanors in office"
- On page 1, line 6, of the Introduced bill, delete "; and" and insert a colon
- On page 1, line 8, of the Introduced bill, delete " these Articles of Impeachment are adopted in the name of the People of South Dakota and of the South Dakota House of Representatives against Jason Ravnsborg, Attorney General of the State of South Dakota, in maintenance and support of its impeachment against him for crimes or misdemeanors in office.

Article I: Acts Causing the Death of Joseph Boever

Article XVI, § 3 of the South Dakota Constitution provides that the House of Representatives may impeach "state and judicial officers," for "drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanors in office. " Jason Ravnsborg committed crimes or misdemeanors in office causing the death of Joseph Boever, specifically:

- (1) On the evening of September 12, 2020, Jason Ravnsborg failed to operate his vehicle within its proper lane, crossed outside such lane, and struck pedestrian and Highmore, South Dakota resident Joseph Boever. Mr. Boever died from injuries sustained from the collision; and
- (2) Jason Ravnsborg has been charged by the Hyde County State's Attorney with three separate crimes in connection with his driving on the night in question. The Attorney General having a special obligation to the People and the Laws of the State of South Dakota, Jason Ravnsborg must be removed from such office for his crimes or misdemeanors in office causing the death of Joseph Boever.

Article II: Other Acts Following the Death of Joseph Boever

Article XVI, § 3 of the South Dakota Constitution provides that the House of Representatives may impeach "state and judicial officers," for "drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanors in office. " Jason Ravnsborg

committed crimes or misdemeanors in office associated with the investigation following the death of Joseph Boever.

Following the collision, including during his reporting of the collision and the resulting investigation, Jason Ravensborg undertook actions unbecoming the Attorney General. Jason Ravensborg's statements and actions failed to meet the standard of the Office of the Attorney General.

The Attorney General having a special obligation to the People and the Laws of the State of South Dakota, Jason Ravensborg must be removed from such office for his crimes or misdemeanors in office following the death of Joseph Boever" and insert " after a conviction, plea of guilty or nolo contendere, or acquittal in case number 34MAG21-0001, State v. Jason Ravensborg, the House of Representatives may evaluate whether articles of impeachment against Jason Ravensborg, Attorney General of the State of South Dakota, are necessary and proceed accordingly"

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

MOTION: DO PASS HR 7001 AS AMENDED

Moved by: Gosch
Second by: Beal
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

SB 44 : authorize, regulate, and tax wagering on sporting events within the city limits of Deadwood and provide a penalty for a violation thereof.

Presented by: David Wiest, Deputy Secretary of the Department of Revenue
Craig Sparrow, South Dakota Gaming Commission, Deadwood
Craig Matson, Deadwood Gaming Association, Deadwood
Nathan Sanderson, South Dakota Retailers Association, Pierre

MOTION: DO PASS SB 44

Moved by: Gosch
Second by: Beal
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

SB 80 : provide for counties, reservations, and municipalities in the legislative redistricting process.

Presented by: Senator Jim Bolin

MOTION: DEFER SB 80 TO THE 41ST LEGISLATIVE DAY

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

MOTION: SUBSTITUTE MOTION: DO PASS SB 80

Moved by: Kevin Jensen
 Second by: Lesmeister
 Action: Prevailed by roll call vote (10-3-0-0)

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

Voting No: Beal, Gosch, and Chris Johnson

SB 97 : modify provisions regarding the State-Tribal Relations Committee.

Presented by: Representative Tony Randolph
 Representative Tamara St. John
 Opponents: 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 SB 97

Moved by: Chris Johnson
 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

SB 183 : declare certain contract provisions regarding abortion as unenforceable and to provide a penalty therefor.

Presented by: Representative Jon Hansen
 Proponents: Mark Miller, General Counsel, Office of the Governor
 Dale Allen Bartscher, South Dakota Right to Life, Rapid City (Handout(s) 1,2)
 Debbie Pease, Family Heritage Alliance Action, Rapid City
 Chris Motz, South Dakota Catholic Conference, Sioux Falls
 Lisa Rahja, Families for SD surrogacy, self, Sioux Falls
 Opponents: Emilee Gehling, Families for SD surrogacy, self, Sioux Falls
 Amber Rikansrud, Self, Sioux Falls
 Lisa Rahja, Families for SD surrogacy, self, Sioux Falls

MOTION: AMEND SB 183

183G

On page 1, line 18, of the Senate bill, delete "Requires " and insert "Coerces "
 On page 1, line 20, of the Senate bill, delete "Requires " and insert "Coerces "
 On page 2, line 5, of the Senate bill, after "§ 37-24-6" delete " or has entered into a contract with a provision that is void and unenforceable under § 53-9-13"
 On page 2, line 6, of the Senate bill, delete "he " and insert "the attorney general "
 On page 2, line 8, of the Senate bill, remove the overstrikes from " or"
 On page 2, line 8, of the Senate bill, after "or" delete the comma
 On page 2, line 8, of the Senate bill, after "practice" delete ", or contract,"

On page 2, line 8, of the Senate bill, delete "he " and insert "the attorney general "

On page 2, line 12, of the Senate bill, delete "he " and insert "such person "

On page 2, line 14, of the Senate bill, after "concerning" delete " a provision covered under § 53-9-13 or"

On page 2, after line 16, of the Senate bill, insert "

Section 4. That a NEW SECTION be added:

37-24-12.1. Attorney general's investigative demand--Report--Contract provisions.

If the attorney general has reason to believe that a person has engaged in or is engaging in any act or practice declared to be unlawful by § 53-9-13, on or after July 1, 2021, and the attorney general believes it to be in the public interest that an investigation should be made to ascertain whether a person has entered into a contract with a provision that is void and unenforceable under § 53-9-13, the attorney general may execute in writing and cause to be served upon any person who is believed to have information, documentary material, or physical evidence relevant to the alleged violation, an investigative demand requiring such person to furnish, under oath or otherwise, a report in writing setting forth the relevant facts and circumstances of which such person has knowledge, or to appear and testify, or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand, concerning a provision covered under § 53-9-13.

"

Moved by: Jamie Smith

Second by: Lesmeister

Action: Failed by voice vote

MOTION: DO PASS SB 183

Moved by: Chris Johnson

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

SB 175 : remove certain eligibility requirements for the partners in education tax credit program.

Presented by: Senator Jim Stalzer

Proponents: Representative Jon Hansen

Phyllis Mary Heineman, SD Partners in Education (non profit), Sioux Falls
(Handout(s) 3)

Julie Hewitt, Rapid City Christian School, self, Rapid City

Jonathan Niemi, St. Martins Lutheran School, self, Watertown, South Dakota

Chris Motz, South Dakota Catholic Conference, Sioux Falls

Don Haggard, Americans For Prosperity, Arlington

MOTION: DO PASS SB 175

Moved by: Wiese

Second by: Beal

Action: Prevailed by roll call vote (10-3-0-0)

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

Voting No: Anderson, Lesmeister, and Jamie Smith

SB 187 : establish provisions concerning the sale of adult-use retail marijuana.

Presented by: Senator Brock Greenfield

Proponents: Representative Mike Derby
Representative Charlie Hoffman
Dawna Leitzke, South Dakota Petroleum and Propane Marketers Association,
Pierre

Opponents: Maggie Seidel, Governor's Office
Michael Houdyshell, Department of Revenue
Yvonne Taylor, South Dakota Municipal League

MOTION: DEFER SB 187 TO THE 41ST LEGISLATIVE DAY

Moved by: Chris Johnson

Second by: Anderson

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: Hansen

Second by: Beal

Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KENT PETERSON
Kent Peterson, Chair