

Committee: House Education

Wednesday, February 09, 2022 7:45 AM

Roll Call

Present: Rep. Bartels, Rep. Davis, Rep. Dennert, Rep. Deutsch, Rep. Healy, Rep. Phil Jensen, Rep. Marty, Rep. Miskimins, Rep. Mortenson, Rep. Odenbach, Rep. Soye, Rep. Stevens, Rep. Sue Peterson, and Rep. Lana Greenfield
Present (Remote): Rep. Keintz

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lana Greenfield

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 07TH

Moved by: Phil Jensen
Second by: Deutsch
Action: Prevailed by voice vote

HB 1012 : protect students from critical race theory.

Presented by: Allen Cambon, Governor's Office
Proponents: Ben Carson, Self (Handout(s) 1)
Stanley Kurtz, Self, Washington D.C.
Nathan Lukkes, Board of Regents
Gregg Pfister, Opportunity Solutions Project, Tallahassee, FL
Debbie Pease, Family Heritage Alliance Action, Rapid City
Opponents: Candi Brings Plenty, American Civil Liberties Union Foundation Inc, New York
Rachida Mahamed, Self, Sioux Falls
Ally Feiner, Self, Vermillion
Sister Lynn Marie Welbig, Presentation Sisters of Aberdeen, Aberdeen
Tyler Coward, Foundation for Individual Rights in Education, Philadelphia

MOTION: AMEND HB 1012

1012A

On page 1, line 1, of the Introduced bill, delete "protect students from critical race theory" and insert "protect students and employees at institutions of higher education from critical race theory training and orientation"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. The inherently divisive concepts underlying Critical Race Theory are contrary to our values, do not reflect the truth that all men and women are created equal, and should not be promoted or imposed by student or employee training or orientation in South Dakota's public institutions of higher education.

Section 2. That chapter 13-1 be amended with a NEW SECTION:

For the purposes of this Act, the term, divisive concepts, means:

- (1) That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior;
- (2) That individuals should be discriminated against or adversely treated because of their race, color, religion, sex, ethnicity, or national origin;

- (3) That an individual's moral character is inherently determined by their race, color, religion, sex, ethnicity, or national origin;
- (4) That an individual, by virtue of their race, color, religion, sex, ethnicity, or national origin is inherently racist, sexist, or oppressive, whether consciously or subconsciously;
- (5) That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin, are inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity, or national origin;
- (6) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race, color, religion, ethnicity, or national origin; or
- (7) Meritocracy or traits such as hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex.

Section 3. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, or the Board of Technical Education, or any institution under their control, may not direct or compel a student to personally affirm, adopt, or adhere to divisive concepts.

The Board of Regents, or the Board of Technical Education, or any institution under their control may not require their students or employees to attend or participate in any training or orientation that teaches, advocates, acts upon, or promotes divisive concepts.

Section 4. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, or the Board of Technical Education, or any institution under their control, may not use or introduce a course of instruction or unit of study that results in a student being distinguished or classified on the account of race or color.

Nothing in this section should be construed to prohibit the required collection or reporting of demographic data by institutions of higher education.

Section 5. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, or the Board of Technical Education, or any institution under their control, may not authorize or expend funding for any purpose prohibited in this Act.

Section 6. That chapter 13-1 be amended with a NEW SECTION:

Nothing in this Act:

- (1) Prevents an employee or a contractor who provides mandatory orientation or training from responding to questions that are raised by participants in the orientation or training and which pertain to the divisive concepts;
- (2) Pertains to the content or conduct of any course of academic instruction or unit of study at an institution of higher education under the control of the Board of Regents or the Board of Technical Education; or
- (3) May be construed to inhibit or violate the First Amendment rights of any student or employee, or to undermine the duty of an institution under the control of the Board of Regents or the Board of Technical Education to protect, to the greatest degree, academic freedom, intellectual diversity, and free expression."

Moved by: Sue Peterson

Second by: Phil Jensen

Action: Prevailed by roll call vote (12-2-1-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Phil Jensen, Marty, Miskimins, Mortenson, Soye, Stevens, Sue Peterson, and Lana Greenfield

Voting No: Healy and Keintz

Excused: Odenbach

MOTION: AMEND HB 1012

1012B

On the previously adopted amendment (1012A), On page 1, line 5, after "Dakota:" delete "Section 1. The inherently divisive concepts underlying Critical Race Theory are contrary to our values, do not reflect the truth that all men and women are created equal, and should not be promoted or imposed by student or employee training or orientation in South Dakota's public institutions of higher education."

Moved by: Stevens

Second by: Bartels

Action: Prevailed by roll call vote (11-4-0-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Healy, Keintz, Miskimins, Mortenson, Stevens, Sue Peterson, and Lana Greenfield

Voting No: Phil Jensen, Marty, Odenbach, and Soye

MOTION: DO PASS HB 1012 AS AMENDED

Moved by: Deutsch

Second by: Sue Peterson

Action: Prevailed by Majority Members Elect (13-2-0-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Phil Jensen, Marty, Miskimins, Mortenson, Odenbach, Soye, Stevens, Sue Peterson, and Lana Greenfield

Voting No: Healy and Keintz

HB 1337 : to protect elementary and secondary students from political indoctrination.

Presented by: Allen Cambon, Governor's Office

Proponents: Stanley Kurtz, Self, Washington D.C.
Tiffany Sanderson, Department of Education
Jennifer Tafuto, Self
Carolyn Hoefler, Self, Rapid City
Representative Marli Wiese, District 8
Leslie Heinemann, Self, Flandreau

Opponents: Gregg Pfister, Opportunity Solutions Project, Tallahassee, FL
Debbie Pease, Family Heritage Alliance Action, Rapid City
Linda Schauer, Concerned Women for America, Alexandria, VA
Jeremiah M. Murphy, South Dakota Education Association, Pierre (Handout(s) 2)
Kent Hansen, Self, Aberdeen
Jett Jonelis, American Civil Liberties Union Foundation Inc, New York
Kelsey Lovseth, Self, Brookings
Rob Monson, School Administrators of South Dakota, Pierre (Handout(s) 3)

Wade Pogany, Associated School Boards of South Dakota, Pierre (Handout(s)
4)
Mitch Richter, United School Association of South Dakota, Madison
Dianna Miller, Large School Group, Pierre

MOTION: AMEND HB 1337

1337B

On page 2, line 8, of the Introduced bill, after "concept." insert "
Nothing in this section prohibits a school district employee from:
(1) Discussing, as part of a larger course of academic instruction, a divisive concept in an objective
manner and without endorsement; or
(2) Permitting or presiding over student debate, regarding a divisive concept, in an objective manner
and without endorsement."

On page 3, line 13, of the Introduced bill, after "in " insert "sections 2 to 8, inclusive, of "
On page 3, line 14, of the Introduced bill, after "school." insert "
For purposes of sections 2 to 8, inclusive, of this Act, the term, state agency, does not include the
Board of Regents, the South Dakota Board of Technical Education, or any institution
under their control."

Moved by: Sue Peterson
Second by: Phil Jensen
Action: Prevailed by roll call vote (13-0-2-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Phil Jensen, Marty, Miskimins, Mortenson,
Odenbach, Soye, Stevens, Sue Peterson, and Lana Greenfield

Excused: Healy and Keintz

THE CHAIR DEFERRED HB 1163 AND 1337 UNTIL LATER TODAY.

MOTION: ADJOURN

Moved by: Phil Jensen
Second by: Deutsch
Action: Prevailed by roll call vote (13-0-2-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Healy, Phil Jensen, Keintz, Marty,
Miskimins, Odenbach, Stevens, Sue Peterson, and Lana Greenfield

Excused: Mortenson and Soye

Ty J. Paulsen, Committee Secretary

/s/ LANA GREENFIELD
Lana Greenfield, Chair