

Committee: House State Affairs

Monday, February 13, 2023 7:45 AM

Roll Call

Present: Rep. Bartels, Rep. Blare, Rep. Cammack, Rep. Chaffee, Rep. Chase,
Rep. Drury, Rep. Hansen, Rep. Healy, Rep. Reimer, Rep. Wangsness,
Rep. Rehfeldt, and Rep. Mortenson
Excused: Rep. Lesmeister

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mortenson

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 08TH

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

HB 1125 : expand provisions regarding the protection of minors from certain exhibitions.

Presented by: Representative Scott Odenbach
Proponents: Florence K. Thompson, South Dakota Parents Involved in Education, Caputa
Florence K. Thompson, SD Citizens for Liberty, Rapid City
Opponents: Garrett Satterly, self, Brookings
Samantha Chapman, American Civil Liberties Union Foundation Inc, NY

MOTION: DO PASS HB 1125

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

MOTION: SUBSTITUTE MOTION: DEFER HB 1125 TO THE 41ST LEGISLATIVE DAY

Moved by: Healy
Second by: Rehfeldt
Action: Failed by Majority Members Elect (6-6-1-0)

Voting Yes: Bartels, Chase, Drury, Healy, Rehfeldt, and Mortenson

Voting No: Blare, Cammack, Chaffee, Hansen, Reimer, and Wangsness

Excused: Lesmeister

Revert to previous motion

MOTION: DO PASS HB 1125

Moved by: Hansen
Second by: Wangsness

Action: Failed by Majority Members Elect (6-6-1-0)

Voting Yes: Blare, Cammack, Chaffee, Hansen, Reimer, and Wangsness

Voting No: Bartels, Chase, Drury, Healy, Rehfeldt, and Mortenson

Excused: Lesmeister

MOTION: WITHOUT RECOMMENDATION HB 1125

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

MOTION: SUBSTITUTE MOTION: TO TABLE HB 1125

Moved by: Healy
 Second by: Rehfeldt
 Action: Prevailed by Majority Members Elect (7-5-1-0)

Voting Yes: Bartels, Chase, Drury, Healy, Wangsness, Rehfeldt, and Mortenson

Voting No: Blare, Cammack, Chaffee, Hansen, and Reimer

Excused: Lesmeister

HB 1116 : prohibit the use of state resources in hosting lewd or lascivious content.

Presented by: Representative Chris Karr (Handout(s) #1)
 Proponents: Florence K. Thompson, SD Citizens for Liberty, Rapid City
 Florence K. Thompson, South Dakota Parents Involved in Education, Caputa
 Opponents: Jessica Filler, Associated School Boards of South Dakota, Pierre
 Garrett Satterly, self, Brookings

MOTION: AMEND HB 1116

1116B

On page 1, line 4, of the Introduced bill, delete "The Board of Regents, the Board of Technical Education, or any institution under their control; a" and insert "No"

On page 1, line 5, of the Introduced bill, after "or " delete "any "

On page 1, line 5, of the Introduced bill, delete "; " and insert ", "

On page 1, line 5, of the Introduced bill, after "or " delete "a "

On page 1, line 6, of the Introduced bill, after "may " delete "not "

On page 1, line 10, of the Introduced bill, after "program, " insert "or "

On page 1, line 10, of the Introduced bill, after "event" delete ", or literature"

On page 1, line 11, of the Introduced bill, after "22-24-27(10)" delete ", or obscene material, as defined by subdivision 22-24-27(11),"

On page 1, line 17, of the Introduced bill, after "persons" delete ", including singing, speaking, dancing, acting, simulation, or pantomiming, where a performer exhibits a gender identity that is different from the performer's biological sex through the use of clothing, makeup, or other physical markers,"

On page 2, after line 8, of the Introduced bill, insert: "

Section 3. That § 13-53-50 be AMENDED:

13-53-50. The Board of Regents and the Board of Technical Education shall require each institution under its control to maintain a commitment to the principles of free expression and encourage the timely and rational discussion of topics in an environment that is intellectually and ideologically diverse. Neither the Board of Regents nor any institution under its control may attempt to shield individuals from constitutionally protected speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

Nothing in this section prevents the Board of Regents or the Board of Technical Education or any institution under their control from restricting or prohibiting the presence of minors at any program or event."

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

MOTION: DO PASS HB 1116 AS AMENDED

Moved by: Hansen
 Second by: Reimer
 Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Hansen, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Healy

Excused: Lesmeister

HB 1212 : establish funds for the support of county projects and residents and make an appropriation therefor.

Presented by: Representative John Mills (Handout(s) #2)
 Proponents: Lee Gabel, Commissioner Codington County, Watertown
 Opponents: Andy Bruels, Dept. of Agriculture and Natural Resources

MOTION: DEFER HB 1212 TO THE 41ST LEGISLATIVE DAY

Moved by: Bartels
 Second by: Wangsness
 Action: Prevailed by Majority Members Elect (8-4-1-0)

Voting Yes: Bartels, Cammack, Chase, Drury, Healy, Reimer, Wangsness, and Mortenson

Voting No: Blare, Chaffee, Hansen, and Rehfeldt

Excused: Lesmeister

HB 1206 : to establish a standing committee on federal review, and to declare an emergency.

Presented by: Representative Tony Randolph
 Proponents: Florence K. Thompson, SD Citizens for Liberty, Rapid City
 Opponents: Frank Marnell, Department of Labor and Regulation

Sister Lynn Marie Welbig, Presentation Sisters of Aberdeen

MOTION: DEFER HB 1206 TO THE 41ST LEGISLATIVE DAY

Moved by: Chase
Second by: Bartels
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Hansen

Excused: Lesmeister

HB 1205 : repeal a provision providing for the manner in which legislation may be introduced and to make a conforming change.

Presented by: Representative Tony Randolph
Proponents: Florence K. Thompson, SD Citizens for Liberty, Rapid City
Opponents: Kirsten Jasper, Department of Revenue
Greg Sattizahn, Unified Judicial System
Nathan Lukkes, Board of Regents

MOTION: DEFER HB 1205 TO THE 41ST LEGISLATIVE DAY

Moved by: Cammack
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Hansen

Excused: Lesmeister

HB 1092 : revise the definition of marriage.

Presented by: Representative Linda K. Duba
Proponents: Casey Murschel, SD Advocacy Network for Women, Sioux Falls
Opponents: Norman Woods, Family Heritage Alliance Action, Rapid City
Florence K. Thompson, SD Citizens for Liberty, Rapid City

MOTION: DO PASS HB 1092

Moved by: Healy
Second by: Rehfeldt
Action: Was not acted on.

MOTION: DEFER HB 1092 TO THE 41ST LEGISLATIVE DAY

Moved by: Blare

Second by: Wangsness
Action: Prevailed by Majority Members Elect (7-5-1-0)

Voting Yes: Blare, Cammack, Chaffee, Chase, Hansen, Reimer, and Wangsness

Voting No: Bartels, Drury, Healy, Rehfeldt, and Mortenson

Excused: Lesmeister

MOTION: ADJOURN

Moved by: Rehfeldt
Second by: Drury
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair