

Roll Call

Present: Rep. Arlint, Rep. Baxter, Rep. DeGroot, Rep. Garcia, Rep. Halverson, Rep. Heermann, Rep. Ismay, Rep. Jensen (Phil), Rep. Jordan, Rep. Manhart, Rep. Rice, Rep. Schwans, Rep. Uhre-Balk, Rep. Stevens, and Rep. Greenfield

**The meeting was called to order by Representative Greenfield**

**MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 07<sup>TH</sup>**

Moved by: Arlint  
Second by: Garcia  
Action: Prevailed by voice vote

**HB 1177 : require an employee of a school district, the Board of Regents, or the South Dakota Board of Technical Education to receive permission of a parent or guardian of an unemancipated minor student before addressing the student with a name other than the student's legal name and to prohibit the compulsory use of gendered language inconsistent with sex.**

Presented by: Representative Kathy Rice  
Proponents: Florence K. Thompson, South Dakota Parents Involved in Education, Caputa  
Florence K. Thompson, SD Citizens for Liberty, Rapid City  
Opponents: Elizabeth Broekemerer, Self, Sioux Falls  
Rev Lauren Stanley, Self, Pierre  
Samuel J. Nelson, Rapid City School District, Rapid City  
Ranee McFarland, Self, Haylund  
Samantha Chapman, American Civil Liberties Union Foundation Inc., NY  
Melissa McCauley, South Dakotans for Equity, Sioux Falls  
Melissa McCauley, South Dakota Advocacy Network for Women, Sioux Falls  
Kate Feilmeier, Self, Canton

**MOTION: AMEND HB 1177**

1177A

On page 1, line 1, of the Introduced bill, delete "require an employee of a school district, the Board of Regents, or the South Dakota Board of Technical Education to receive permission of a parent or guardian of an unemancipated minor student before addressing the student with a name other than the student's legal name and to prohibit the compulsory use of gendered language inconsistent with sex" and insert "prohibit disciplinary action against certain individuals who refuse to use or provide preferred names, titles, or pronouns"

On page 1, line 7, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added to chapter 13-1:"

On page 1, line 8, of the Introduced bill, after "13-1:" delete "No employee of a school district or an institution under the control of the Board of Regents or the South Dakota Board of Technical Education, regardless of the scope of the employee's official duties, may without the written permission of the student's parent or guardian knowingly and intentionally address an unemancipated minor student by:"

On page 1, line 12, of the Introduced bill, after "by:" delete "(1) A name other than the student's legal name or a derivative thereof; or  
(2) A student's preferred personal title or pronoun that is inconsistent with the student's sex.

For the purposes of this section and sections 2 and 3 of this Act, the term "sex" means the classification of a person as either female or male based on the organization of the body for a specific reproductive role, as indicated by an individual's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth."

Moved by: Schwans  
Second by: Garcia  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1177 AS AMENDED**

Moved by: Manhart  
Second by: Jensen (Phil)  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DEFER HB 1177 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Stevens  
Second by: Arlint  
Action: Prevailed by Majority Members Elect (9-5-1-0)

Voting Yes: Arlint, DeGroot, Garcia, Halverson, Heermann, Schwans, Uhre-Balk, Stevens, and Greenfield

Voting No: Ismay, Jensen (Phil), Jordan, Manhart, and Rice

Excused: Baxter

**HB 1201 : establish requirements for school employees regarding gender ideology.**

Presented by: Representative Logan Manhart (Handout(s) 1)

Proponents: Senator Amber Hulse  
Florence K. Thompson, SD Citizens for Liberty, Rapid City  
Florence K. Thompson, South Dakota Parents Involved in Education, Caputa  
Elle Palmer, Self, Brandon

Opponents: Ashley Seeklander, Self, Aberdeen  
Kim Goebel, Self, Gettysburg  
Rebecca Christonsen, Self, Aberdeen  
Dani Johnson, Self, Plankinton  
Carrie Jorgensen, Self, Aurora  
Rob Monson, School Administrators of South Dakota, Pierre  
Duane Kavanaugh, Self, Hermosa  
Stephanie Lund, Self, Pollock  
Melissa McCauley, South Dakotans for Equity, Sioux Falls  
Melissa McCauley, South Dakota Advocacy Network for Women, Sioux Falls

**MOTION: AMEND HB 1201**

1201C

On page 1, line 1, of the Introduced bill, delete " counseling services" and insert " employees regarding gender ideology"

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added to chapter 13-32:"

On page 1, line 4, of the Introduced bill, after "13-32:" delete "Before a school counselor provides a direct counseling service to a student for the first time, the school counselor, or another school staff member, must obtain the consent of the student's parent or guardian. For the purpose of sections 1 and 2 of this Act, "direct counseling service" means an interaction, between a school counselor and a student, pertaining to mental, medical, or emotional health and does not involve career planning or academic discussions."

On page 1, line 11, of the Introduced bill, after "13-32:

A" insert " school nurse,"

On page 1, line 11, of the Introduced bill, after "counselor," insert " teacher, administrator,"

On page 1, line 11, of the Introduced bill, delete " another school" and insert " any other"

On page 1, line 11, of the Introduced bill, after "member" insert ", employed by a school district or accredited nonpublic school"

On page 1, line 12, of the Introduced bill, after "guardian" delete the colon

On page 1, line 13, of the Introduced bill, delete "(1) When a direct counseling service is provided to a student;

(2) If a subject is discussed during a direct counseling service that is substantially different from those discussed during previous counseling sessions; and

(3) If " and insert "if "

On page 1, line 16, of the Introduced bill, delete " any of the following topics" and insert " a student's gender confusion or gender dysphoria"

On page 1, line 16, of the Introduced bill, after "student" delete " during a direct counseling service:"

On page 1, line 18, of the Introduced bill, after "service:" delete "(a) Gender;

(b) Gender confusion;

(c) Gender dysphoria;

(d) Homosexuality; or

(e) Transsexuality"

On page 2, line 1, of the Introduced bill, delete "School counselors may not promote the concept that a student is a sex contrary to the student's biological sex at birth." and insert " A school nurse, school counselor, teacher, administrator, or any other staff member employed by a school district or accredited nonpublic school may not:

(1) Provide any instruction or presentation to a student with the purpose of studying exploring, or informing the student about gender identity, gender expression, or the concept that a student's gender may be inconsistent with the student's biological sex at birth;

(2) Encourage or coerce a student to withhold from the student's parent, legal guardian, or other custodian the fact that the student's perception of the student's gender or sex is inconsistent with the student's sex; or

(3) Withhold from a student's parent, legal guardian, or other custodian information related to a student's perception that the student's gender or sex is inconsistent with the student's sex. "

Moved by: Jordan

Second by: Jensen (Phil)

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1201 AS AMENDED**

Moved by: Jordan  
Second by: Jensen (Phil)  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DEFER HB 1201 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: DeGroot  
Second by: Halverson  
Action: Failed by Majority Members Elect (7-8-0-0)

Voting Yes: Arlint, DeGroot, Halverson, Heermann, Uhre-Balk, Stevens, and Greenfield

Voting No: Baxter, Garcia, Ismay, Jensen (Phil), Jordan, Manhart, Rice, and Schwans

**Revert to previous motion**

**MOTION: DO PASS HB 1201 AS AMENDED**

Moved by: Jordan  
Second by: Jensen (Phil)  
Action: Prevailed by Majority Members Elect (8-7-0-0)

Voting Yes: Baxter, Garcia, Ismay, Jensen (Phil), Jordan, Manhart, Rice, and Schwans

Voting No: Arlint, DeGroot, Halverson, Heermann, Uhre-Balk, Stevens, and Greenfield

**HB 1182 : provide for the recall of a member of a board of a school district.**

Presented by: Representative Kathy Rice

**MOTION: TO TABLE HB 1182**

Moved by: Garcia  
Second by: Schwans  
Action: Prevailed by Majority Members Elect (15-0-0-0)

Voting Yes: Arlint, Baxter, DeGroot, Garcia, Halverson, Heermann, Ismay, Jensen (Phil), Jordan, Manhart, Rice, Schwans, Uhre-Balk, Stevens, and Greenfield

**HB 1180 : require that a candidate for election to the board of a school district disclose the candidate's party affiliation on a declaration of candidacy.**

Presented by: Representative Kathy Rice

Proponents: Florence K. Thompson, SD Citizens for Liberty, Rapid City  
Florence K. Thompson, South Dakota Parents Involved in Education, Caputa  
T.J. Nelson, FGA Action, Tallahassee, FL

Opponents: Heath Larson, Associated School Boards of South Dakota, Pierre  
Rob Monson, School Administrators of South Dakota, Pierre  
Mitch Richter, South Dakota United School Association, Milbank

**MOTION: AMEND HB 1180**

1180A

On page 1, line 14, of the Introduced bill, delete " The" and insert " Except for a candidate who is an enlisted member of the South Dakota National Guard or a member of the armed forces, as defined in § 13-55-7, the"

Moved by: Manhart  
Second by: Schwans  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1180 AS AMENDED**

Moved by: Manhart  
Second by: Jordan  
Action: Prevailed by Majority Members Elect (9-6-0-0)

Voting Yes: Baxter, Garcia, Ismay, Jensen (Phil), Jordan, Manhart, Rice, Schwans, and Greenfield

Voting No: Arlint, DeGroot, Halverson, Heermann, Uhre-Balk, and Stevens

**MOTION: TO TABLE HB 1183**

Moved by: DeGroot  
Second by: Schwans  
Action: Prevailed by Majority Members Elect (15-0-0-0)

Voting Yes: Arlint, Baxter, DeGroot, Garcia, Halverson, Heermann, Ismay, Jensen (Phil), Jordan, Manhart, Rice, Schwans, Uhre-Balk, Stevens, and Greenfield

**HB 1171 : require that a school curriculum include human growth and development within the health curriculum.**

Presented by: Representative Tony Randolph  
Patti Giebink, Self, Chamberlain  
Florence K. Thompson, SD Citizens for Liberty, Rapid City  
Florence K. Thompson, South Dakota Parents Involved in Education, Caputa  
Noah Brandt, Self, Greater St. Louis, MO

Opponents: Rob Monson, School Administrators of South Dakota, Pierre  
Dianna Miller, Large School Group, Vermillion  
Heath Larson, Associated School Boards of South Dakota, Pierre  
Samantha Chapman, American Civil Liberties Union Foundation Inc., NY  
Ellie J. Bailey, SD Section of the American College of Obstetricians and Gynecologists, Sioux Falls  
Melissa McCauley, South Dakota Advocacy Network for Women, Sioux Falls  
Melissa McCauley, South Dakotans for Equity, Sioux Falls

**MOTION: AMEND HB 1171**

1171C

On page 1, line 2, of the Introduced bill, delete " health" and insert " science"  
 On page 1, line 5, of the Introduced bill, delete " health" and insert " science"  
 On page 1, line 6, of the Introduced bill, delete ", beginning in grade three" and insert " in grades six, seven, or eight"  
 On page 1, line 9, of the Introduced bill, after "include" delete " :  
 (1) A"  
 On page 1, line 10, of the Introduced bill, after "include:  
 (1) A " insert "a "  
 On page 1, line 10, of the Introduced bill, delete " ultrasound" and insert ", medically accurate"  
 On page 1, line 10, of the Introduced bill, after "minutes" insert the comma  
 On page 1, line 10, of the Introduced bill, after "and" insert " that"  
 On page 1, line 11, of the Introduced bill, delete " the" and insert " each stage of"  
 On page 1, line 11, of the Introduced bill, after "heart," delete " sex organs,"  
 On page 1, line 11, of the Introduced bill, after "organs" delete "; and  
 (2) A video that shows the process of fertilization and each stage of human development in the uterus, including cell growth and organ development"  
 On page 1, line 15, of the Introduced bill, after "birth." insert "  
 The board of a school district may consider using the "Meet Baby Olivia" video produced by a nonprofit organization to meet the requirements of this section."

Moved by: Manhart  
 Second by: Garcia  
 Action: Prevailed by voice vote

**MOTION: TO TABLE HB 1171**

Moved by: Stevens  
 Second by: Heermann  
 Action: Prevailed by Majority Members Elect (12-3-0-0)

Voting Yes: Arlint, Baxter, DeGroot, Garcia, Halverson, Heermann, Ismay, Rice, Schwans, Uhre-Balk, Stevens, and Greenfield

Voting No: Jensen (Phil), Jordan, and Manhart

**MOTION: TO TABLE HB 1172**

Moved by: Manhart  
 Second by: Rice  
 Action: Prevailed by Majority Members Elect (14-0-1-0)

Voting Yes: Arlint, DeGroot, Garcia, Halverson, Heermann, Ismay, Jensen (Phil), Jordan, Manhart, Rice, Schwans, Uhre-Balk, Stevens, and Greenfield

Excused: Baxter

**MOTION: ADJOURN**

Moved by: DeGroot  
 Second by: Schwans  
 Action: Prevailed by voice vote

James Sapp, Committee Secretary

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/s/ LANA J. GREENFIELD  
Lana J. Greenfield, Chair