

2020 South Dakota Legislature
House Bill 1143

AMENDMENT 1143A FOR THE INTRODUCED BILL

1 **An Act to prohibit school districts from using school or athletic team names,**
2 **mascots, or nicknames that are determined to be racially derogatory or**
3 **discriminatory.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1.** That a NEW SECTION be added:

6 **13-66-1. Team names--Race--Prohibition.**

7 The use of racially derogatory or discriminatory school or athletic team names,
8 mascots, nicknames, logos, imagery, or celebrations depicting Native Americans and
9 Native American culture is prohibited in any public school district. ~~The prohibition includes~~
10 names that are racially, ethnically, or religiously offensive.

11 **Section 2.** That a NEW SECTION be added:

12 **13-66-2. Team names--Exemptions.**

13 The provisions of this chapter do not apply to any public school district that ~~:~~
14 (1) ~~Is located on or near an Indian reservation;~~
15 (2) ~~Serves~~ serves a student population of which at least fifty percent is comprised of
16 Native American students; ~~and~~
17 (3) ~~Obtains the written permission of the government of the federally recognized tribe~~
18 ~~with tribal land closest to the school district to use the school or athletic team~~
19 ~~name, mascot, nickname, logo, imagery, or celebration depicting Native Americans~~
20 ~~and Native American culture.~~

21 **Section 3.** That a NEW SECTION be added:

1 **13-66-3. School names--Native American culture--Discontinuance.**

2 Any public school district using a school or athletic team name, mascot, nickname,
3 logo, imagery, or celebration depicting Native Americans and Native American culture
4 prohibited in § 13-66-1 shall discontinue its use.

5 **Section 4.** That a NEW SECTION be added:

6 **13-66-4. School uniforms and materials--Race--Discontinuance schedule.**

7 Notwithstanding the provisions of § 13-66-3, a public school district may continue
8 to use uniforms or other materials bearing the racially derogatory or discriminatory term
9 or imagery that were purchased prior to the effective date of this chapter for a period of
10 no longer than five years if the public school district meets the following requirements:

11 (1) The school selects a new school or athletic team name, mascot, nickname, or logo;

12 (2) The school refrains from purchasing or acquiring, for the purpose of distribution or
13 sale to students or school employees, any uniform that includes or bears the
14 racially derogatory or discriminatory term or imagery;

15 (3) The school refrains from purchasing or acquiring, for the purpose of distribution or
16 sale to students or school employees, any yearbook, newspaper, program, or other
17 similar material that includes or bears the racially derogatory or discriminatory
18 term or imagery in its logo or cover title; and

19 (4) The school refrains from purchasing or constructing a marquee, sign, or other new
20 or replacement fixture that includes or bears the racially derogatory or
21 discriminatory term or imagery, and for any existing facility which bears the racially
22 derogatory or discriminatory term or imagery, the school removes the prohibited
23 name or imagery no later than the next time the associated part of the facility is
24 replaced in the normal course of maintenance, or within five years, whichever
25 comes first.