

Committee: Senate State Affairs

Monday, March 02, 2020 10:00 AM

Roll Call

Present: Sen. Bolin, Sen. Brock Greenfield, Sen. Heinert, Sen. Kennedy, Sen. Langer, Sen. Novstrup, Sen. Youngberg, Sen. Klumb, and Sen. Ewing

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Ewing**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 26<sup>TH</sup>**

Moved by: Klumb  
Second by: Langer  
Action: Prevailed by voice vote

**HB 1195 : provide an affirmative defense to pregnant women for certain controlled substance offenses.**

Presented by: Representative Spencer Gosch  
Proponents: Dean Krogman, SD Medical Association  
Deb Fischer-Clemens, Avera  
Dale Bartscher, SD Right to Life  
Tamara Grove, South Dakota Family Policy Council  
Norman Woods, Family Heritage Alliance Action  
Tim Rave, South Dakota Association of Healthcare Organizations  
Melissa Klemann, Governor's Office  
Mitch Rave, Sanford Health

**MOTION: AMEND HB 1195**

1195D

On page 1, line 6, of the House State Affairs bill, delete "a crime under " and insert "violating "  
On page 1, line 6, of the House State Affairs bill, delete " while pregnant" and insert " and she was pregnant when the violation occurred"  
On page 1, line 7, of the House State Affairs bill, after "defense " insert "to the charge "  
On page 1, line 7, of the House State Affairs bill, after "proof " insert "that "  
On page 1, line 7, of the House State Affairs bill, after "she" insert ":(1)"  
On page 1, line 7, of the House State Affairs bill, delete "received " and insert "Received "  
On page 1, line 8, of the House State Affairs bill, delete ", actively" and insert " from a licensed healthcare professional during her pregnancy;  
(2) Actively"  
On page 1, line 8, of the House State Affairs bill, delete " is born, remained" and insert " was born;  
(3) Remained"  
On page 1, line 9, of the House State Affairs bill, delete ", and successfully" and insert "; and  
(4) Successfully"  
On page 1, line 9, of the House State Affairs bill, after "program" delete ", regardless of whether the child was born with a physical dependence on or was harmed by a controlled substance"  
Moved by: Brock Greenfield  
Second by: Youngberg  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1195 AS AMENDED**

Moved by: Klumb  
Second by: Youngberg  
Action: Prevailed by roll call vote (8-0-1-0)

Voting Yes: Bolin, Brock Greenfield, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

Excused: Heinert

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1195 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HCR 6003 : Supporting the Electoral College.**

Presented by: Senator Brock Greenfield  
Proponents: Florence Thompson, South Dakota Citizens for Liberty

**MOTION: AMEND HCR 6003**

HCR6003B

On page 1, line 5, of the House bill, delete "States " and insert " states "  
On page 1, line 10, of the House bill, delete "State's " and insert " state's "

Moved by: Bolin  
Second by: Klumb  
Action: Prevailed by voice vote

**MOTION: DO PASS HCR 6003 AS AMENDED**

Moved by: Bolin  
Second by: Klumb  
Action: Prevailed by roll call vote (7-1-1-0)

Voting Yes: Bolin, Brock Greenfield, Langer, Novstrup, Youngberg, Klumb, and Ewing

Voting No: Kennedy

Excused: Heinert

**HCR 6005 : Commending the nation of Israel for its cordial and mutually beneficial relationship with the United States and with the State of South Dakota.**

Presented by: Senator Jim Bolin  
Opponents: Representative Michael Saba

**MOTION: AMEND HCR 6005**

HCR6005A

On page 1, line 4, of the Introduced bill, delete "under and through the oldest recorded deed, as recorded in the Old Testament scriptures held sacred and revered by Jews and Christians alike, as presenting the acts and words of God" and insert " by a promise "

On page 1, line 6, of the Introduced bill, after "God" insert "made "

On page 1, line 6, of the Introduced bill, after "God" insert "by God to Abraham, father to the Jewish nation (Genesis 12:1-3)"

On page 1, line 15, of the Introduced bill, after "and" delete "WHEREAS, Article 80 of the United Nations Charter 22 recognized the continued validity of the rights granted to states or peoples which already existed under international instruments, and therefore the 1922 League of Nations resolution remains valid, and the six hundred fifty thousand Jews currently residing in the areas of Judea, Samaria, and eastern Jerusalem reside there legitimately; and

"

On page 2, line 8, of the Introduced bill, after "and" delete "WHEREAS, the dramatic increase in boycott, divestment, and sanctions campaign activities on college campuses around the country has resulted in increased animosity and intimidation against Jewish students, negatively impacting student programming related to the State of Israel and politics in the Middle East; and

WHEREAS, leaders of the boycott, divestment, and sanctions movement say their goal is to eliminate Israel as the home of the Jewish people; and

WHEREAS, messaging at anti-Israel rallies has adopted the boycott, divestment, and sanctions slogan: "from the river to the sea Palestine will be free" which means that there would be no Israel between the Jordan River and the Mediterranean Sea and that the State of Israel will cease to exist; and

"

On page 2, line 19, of the Introduced bill, delete "the " and insert "our "

On page 2, line 19, of the Introduced bill, delete "of our two nations are so intertwined that it is impossible to separate one from the other" and insert " are very similar"

On page 2, line 24, of the Introduced bill, delete "who is the God stated in our Constitution, is that He will bless those who bless Israel, and be it " and insert "is that "

On page 2, line 25, of the Introduced bill, after "it " insert "God"

On page 2, line 25, of the Introduced bill, after "it " insert " will bless those that will bless Israel and let it also be "

On page 2, line 26, of the Introduced bill, after "1948" delete ", a friendship that continues to strengthen with each passing year"

On page 3, line 3, of the Introduced bill, delete "self-defense upon the entirety of its own lands, and recognizes that Israel is neither an attacking force nor an occupier of the lands of others, and that peace can be afforded the region only through a whole and united Israel" and insert " recognize Israel as our principal ally in the Middle East"

Moved by: Bolin

Second by: Klumb

Action: Prevailed by voice vote

**MOTION: AMEND HCR 6005**

HCR6005B

On page 1, line 4, of the Introduced bill, delete "under and through the oldest recorded deed, as recorded in the Old Testament scriptures held sacred and revered by Jews and Christians alike, as presenting the acts and words of God" and insert " by a promise "

On page 1, line 6, of the Introduced bill, after "God" insert "made "

On page 1, line 6, of the Introduced bill, after "God" insert "by God to Abraham, father to the Jewish nation (Genesis 12:1-3)"

On page 1, line 15, of the Introduced bill, after "and" delete "WHEREAS, Article 80 of the United Nations Charter 22 recognized the continued validity of the rights granted to states or peoples which already existed under international instruments, and therefore the 1922 League of Nations resolution remains valid, and the six hundred fifty thousand Jews

currently residing in the areas of Judea, Samaria, and eastern Jerusalem reside there legitimately; and

"

On page 2, line 6, of the Introduced bill, after "and" delete "WHEREAS, the international boycott, divestment, and sanctions movement is one of the main vehicles for spreading anti-Semitism and advocating the elimination of the Jewish State; and"

On page 2, line 8, of the Introduced bill, after "and" delete "WHEREAS, the dramatic increase in boycott, divestment, and sanctions campaign activities on college campuses around the country has resulted in increased animosity and intimidation against Jewish students, negatively impacting student programming related to the State of Israel and politics in the Middle East; and

WHEREAS, leaders of the boycott, divestment, and sanctions movement say their goal is to eliminate Israel as the home of the Jewish people; and

WHEREAS, messaging at anti-Israel rallies has adopted the boycott, divestment, and sanctions slogan: "from the river to the sea Palestine will be free" which means that there would be no Israel between the Jordan River and the Mediterranean Sea and that the State of Israel will cease to exist; and

"

On page 2, line 19, of the Introduced bill, delete "the " and insert "our "

On page 2, line 19, of the Introduced bill, delete "of our two nations are so intertwined that it is impossible to separate one from the other" and insert " are very similar"

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Moved by: Langer

Second by: Kennedy

Action: Withdrawn

**MOTION: AMEND HCR 6005**

HCR6005B

On page 1, line 4, of the Introduced bill, delete "under and through the oldest recorded deed, as recorded in the Old Testament scriptures held sacred and revered by Jews and Christians alike, as presenting the acts and words of God" and insert " by a promise "

On page 1, line 6, of the Introduced bill, after "God" insert "made "

On page 1, line 6, of the Introduced bill, after "God" insert "by God to Abraham, father to the Jewish nation (Genesis 12:1-3)"

On page 1, line 15, of the Introduced bill, after "and" delete "WHEREAS, Article 80 of the United Nations Charter 22 recognized the continued validity of the rights granted to states or peoples which already existed under international instruments, and therefore the 1922 League of Nations resolution remains valid, and the six hundred fifty thousand Jews currently residing in the areas of Judea, Samaria, and eastern Jerusalem reside there legitimately; and

"

On page 2, line 6, of the Introduced bill, after "and" delete "WHEREAS, the international boycott, divestment, and sanctions movement is one of the main vehicles for spreading anti-Semitism and advocating the elimination of the Jewish State; and"

On page 2, line 8, of the Introduced bill, after "and" delete "WHEREAS, the dramatic increase in boycott, divestment, and sanctions campaign activities on college campuses around

the country has resulted in increased animosity and intimidation against Jewish students, negatively impacting student programming related to the State of Israel and politics in the Middle East; and

WHEREAS, leaders of the boycott, divestment, and sanctions movement say their goal is to eliminate Israel as the home of the Jewish people; and

WHEREAS, messaging at anti-Israel rallies has adopted the boycott, divestment, and sanctions slogan: "from the river to the sea Palestine will be free" which means that there would be no Israel between the Jordan River and the Mediterranean Sea and that the State of Israel will cease to exist; and

"

On page 2, line 19, of the Introduced bill, delete "the " and insert "our "

On page 2, line 19, of the Introduced bill, delete "of our two nations are so intertwined that it is impossible to separate one from the other" and insert " are very similar"

On page 2, line 24, of the Introduced bill, delete "who is the God stated in our Constitution, is that He will bless those who bless Israel, and be it " and insert "is that "

On page 2, line 25, of the Introduced bill, after "it " insert "God"

On page 2, line 25, of the Introduced bill, after "it " insert " will bless those that will bless Israel and let it also be "

On page 2, line 26, of the Introduced bill, after "1948" delete ", a friendship that continues to strengthen with each passing year"

On page 3, line 3, of the Introduced bill, delete "self-defense upon the entirety of its own lands, and recognizes that Israel is neither an attacking force nor an occupier of the lands of others, and that peace can be afforded the region only through a whole and united Israel" and insert " recognize Israel as our principal ally in the Middle East"

Moved by: Kennedy

Action: Died for lack of a second

**MOTION: DO PASS HCR 6005 AS AMENDED**

Moved by: Brock Greenfield

Second by: Klumb

Action: Prevailed by roll call vote (6-1-2-0)

Voting Yes: Bolin, Brock Greenfield, Langer, Novstrup, Klumb, and Ewing

Voting No: Kennedy

Excused: Heinert and Youngberg

**HCR 6012 : Supporting the right to pray in public schools.**

Presented by: Representative Tony Randolph

Proponents: Florence Thompson, South Dakota Parents Involved in Education  
Florence Thompson, South Dakota Citizens for Liberty

**MOTION: AMEND HCR 6012**

HCR6012C

On page 1, line 2, of the House bill, delete "the founding of this country is rooted in the belief that all men and women are endowed with the right to follow their conscience, to worship freely, and to live in accordance with their convictions" and insert " our founders approved the First Amendment of the United States Constitution that made religious freedom the initial right stated in our foundational document"

On page 1, line 5, of the House bill, delete "religious freedom is this country's first freedom and has, throughout history, been a driving force behind many of the most defining moments of

our identity as a country" and insert " the First Amendment to the United States Constitution articulates the intention of our founders to prevent governmental interference in the practice of religion"

On page 1, line 8, of the House bill, delete "the First Amendment to the United States Constitution clearly articulates the intention of our founders to prevent governmental interference in the practice of religion" and insert " the ability of people to worship freely and openly and to live faithfully by the tenets of their faith is protected by the First Amendment"

On page 1, line 10, of the House bill, delete "in May 2017, President Donald J. Trump signed an Executive Order to advance religious liberty for individuals and institutions" and insert " repressive governments around the world persecute Christians and other religious worshipers, and terrorist organizations carry out barbaric violence against innocent people because of their religion"

On page 1, line 12, of the House bill, delete "our ability to worship freely and openly and to live within our faith should never be infringed" and insert " the United States desires the end of religious persecution around the world and desires to ensure respect for the freedom of religion"

On page 1, line 14, of the House bill, after "and" delete "WHEREAS, repressive governments around the world persecute Christians and other religious worshipers, and terrorist organizations carry out barbaric violence against innocent victims because of their religion; and"

On page 1, line 17, of the House bill, after "and" delete "WHEREAS, this country seeks to dispel religious persecution and discrimination around the world and to ensure respect for the freedom of religion and religious beliefs; and"

On page 1, line 19, of the House bill, delete "our founding fathers entrusted the people with the solemn responsibility of protecting religious liberty so that we, as a people and as a nation, may always stand as a guiding beacon for the world" and insert " in May 2017, President Donald J. Trump signed an Executive Order to advance religious liberty for individuals and institutions"

Moved by: Brock Greenfield  
Second by: Bolin  
Action: Prevailed by voice vote

**MOTION: DO PASS HCR 6012 AS AMENDED**

Moved by: Klumb  
Second by: Bolin  
Action: Prevailed by roll call vote (5-2-2-0)

Voting Yes: Bolin, Brock Greenfield, Novstrup, Klumb, and Ewing

Voting No: Heinert and Kennedy

Excused: Langer and Youngberg

**HCR 6006 : Requesting the members of South Dakota's congressional delegation to annually appear before a joint session of the Legislature to provide information and answer questions.**

Presented by: Senator Phil Jensen  
Proponents: Florence Thompson, South Dakota Citizens for Liberty  
Bette Grande, Heartland Institute  
Shirlee Meier, Convention of States

**MOTION: DEFER HCR 6006 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Klumb  
Second by: Langer  
Action: Prevailed by roll call vote (7-1-1-0)

Voting Yes: Bolin, Brock Greenfield, Kennedy, Langer, Novstrup, Klumb, and Ewing

Voting No: Heinert

Excused: Youngberg

**HCR 6013 : Urging all South Dakotans to participate in the 2020 United States Census.**

Presented by: Senator Jim Bolin  
Proponents: Rob Timm, US Census Bureau (Handout(s) 2)

**MOTION: DO PASS HCR 6013**

Moved by: Langer  
Second by: Kennedy  
Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HB 1050 : provide for voter registration through an online voter registration system provided by the Office of the Secretary of State.**

Presented by: Kea Warne, Secretary of State  
Proponents: Chris Nelson, self, Pierre  
Rob Timm, self, Hill City  
Tim Neyhart, Disability Rights South Dakota  
Micheal Huber, self, Sioux Falls  
Others: Steve Barnett, Secretary of State

**MOTION: AMEND HB 1050**

1050E

On page 1, line 14, of the House bill, delete "to the disabled" and insert " for persons with disabilities"  
Moved by: Brock Greenfield  
Second by: Youngberg  
Action: Prevailed by voice vote

**MOTION: AMEND HB 1050**

1050D

On page 1, line 16, of the House bill, after "state" insert " or who provides the last four digits of the person's social security number"  
Moved by: Heinert

Second by: Kennedy  
Action: Failed by voice vote

**MOTION: DEFER HB 1050 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Langer  
Second by: Bolin  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DO PASS HB 1050 AS AMENDED**

Moved by: Kennedy  
Second by: Heinert  
Action: Failed by roll call vote (3-6-0-0)

Voting Yes: Heinert, Kennedy, and Youngberg

Voting No: Bolin, Brock Greenfield, Langer, Novstrup, Klumb, and Ewing

**Revert to previous motion**

**MOTION: DEFER HB 1050 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Langer  
Second by: Bolin  
Action: Prevailed by roll call vote (7-2-0-0)

Voting Yes: Bolin, Brock Greenfield, Langer, Novstrup, Youngberg, Klumb, and Ewing

Voting No: Heinert and Kennedy

**HB 1054 : revise the documentation required for voter registration.**

Presented by: Kea Warne, Secretary of State

**MOTION: AMEND HB 1054**

1054K

On the House Engrossed bill, delete the previously adopted amendment (1054J).

Moved by: Heinert  
Second by: Youngberg  
Action: Prevailed by voice vote

**MOTION: AMEND HB 1054**

1054O

On page 1, line 15, of the House bill, after "Elections." delete " Consistent with 52 U. S. C. § 21084, as of January 1, 2020, in addition to signing the statement, the person shall provide documentation that would establish identity and date of birth under § 32-12-3. 1, documentation that would demonstrate lawful status under § 32-12-3. 3, and two documents with the person's name and residence address that would establish the applicant's address of primary residence under § 32-12-3. 5."



Moved by: Youngberg  
Second by: Brock Greenfield  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1054 AS AMENDED**

Moved by: Youngberg  
Second by: Ewing  
Action: Prevailed by roll call vote (7-2-0-0)

Voting Yes: Brock Greenfield, Heinert, Kennedy, Novstrup, Youngberg, Klumb, and Ewing

Voting No: Bolin and Langer

**HB 1107 : define style and form and authorize the code commission to make certain style and form edits to legislative acts.**

Presented by: Senator Craig Kennedy

**MOTION: AMEND HB 1107**

1107F

On page 1, line 7, of the House bill, after "which " delete "a "  
On page 1, line 11, of the House bill, after "nature" insert " or that relate to spelling or punctuation"  
On page 1, line 20, of the House bill, after "eliminate;" delete " and"  
On page 1, line 24, of the House bill, after "law" insert "; and  
(5) Make changes necessary to allow the code to conform to current standards of style and form"

Moved by: Brock Greenfield  
Second by: Youngberg  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1107 AS AMENDED**

Moved by: Brock Greenfield  
Second by: Ewing  
Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1107 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Ewing  
Second by: Youngberg  
Action: Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

