

Introduced by: **Senator Bordeaux**

An Act to expand initial training given to law enforcement officers to include Indian law, racial bias, and implicit bias.

NO
LIVES MATTER
UNTIL
BLACK
LIVES
MATTER

2023 LEGISLATIVE - RECAP -

Introduced by: **Representative Starr**

An Act to prohibit the use of state resources in hosting and or law enforcement

Introduced by: **Representative Odenbach**

An Act to create the Center for American Exceptionalism at Black Hill University, make an appropriation therefor, and declare an emergen

Introduced by: **Representative Soye**

An Act to prohibit certain medical and surgical interventions on minor patients.

Section 2. That chapter 34-24 be amended with a NEW SECTION:

Except as provided in section 3 of this Act, a healthcare professional may not for the purpose of attempting to alter the appearance of, or to validate a minor's perception of, the minor's sex, if that appearance or perception is inconsistent with the minor's biological sex, knowingly:

- (1) Prescribe or administer any hormone, in an amount greater than would be expected for the same age and sex;
- (2) Prescribe or administer any hormone, in an amount greater than would be expected for the same age and sex;
- (3) Perform any procedure, including but not limited to, genital reconstruction, oophorectomy, or vasectomy.

WITH PRIVILEGE
COMES
RESPONSIBILITY

TRANS RIGHTS
ARE
HUMAN RIGHTS



south dakota
**YOUTH
ACTIVISM**

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ABOUT

South Dakota Youth Activism is a platform that empowers young activists to stand for the rights of LGBTQ+, disabled, BIPOC, and underrepresented South Dakotans through legislative action and community support.

Ignited by Elliott Morehead in early 2022, this organization for youth-centered, intersectionality-driven action has a goal of building a team of passionate leaders to bring our vision to life. This youth-led organization will change the absence of both diverse, young perspectives in policy-making and community work by creating more awareness around ignored issues and encouraging greater legislative involvement. In our recognition that yesterday's and today's issues are rooted in the oppression of Black and Brown peoples of America, racial empowerment will always be a priority in our work to make South Dakota a better place. With intersectionality at the forefront of our values, we will ensure the voices of the affected communities will be centered in both the conversation and all actions we take. We won't stop fighting for an equitable world, an equitable South Dakota.

2023 Tax Day Protest - Sioux Falls

SDYA's first organized protest. Together, we stood up for trans rights, reproductive rights, and gun safety.



OVERVIEW

Perci, Elliott, Ryott

The legislative session started with a flurry of bills – both good and bad. Bills to codify ICWA, protect the rights of pregnant people, support disabled South Dakotans, limit access to firearms, improve law enforcement training, and advance support for mental health/substance abuse treatment all died, but so did bills to ban drag shows. Our biggest worries were gender-affirming care bans, bills to limit South Dakotans' voting rights, and bills impeding the right to freedom of expression.

SDYA fought long and hard to stop bills from passing out of their original chamber. This included social media updates, directors emailing legislators, attending cracker barrels and legislative coffees, and our founder testifying in the House Health and Human Services Committee in opposition to HB1080. Our director Perci, Elliott, and member Ayden attended Equality South Dakota's Visibility Day at the Capitol Rotunda no more than a week after the passing of HB1080. Protests that were held across the state after the passing of HB1080 were held by the Transformation Project Advocacy Network, Black Hills Center for Equality, and many more, including SDYA. Director Perci's signs made local news in Rapid City, made from a place of anguish and reflection on the loss.

While we had wins and losses, SDYA is still here, strong as ever. We are determined to spark change in South Dakota. Join our fight next year as we advocate for equitable actions and reforms next state legislative session.

STATE LEGISLATIVE PROCESS



**LEGISLATIVE
COMMITTEES**

DO PASS - the committee recommends the bill pass in its original form.

DO PASS AMENDED - the committee recommends the bill pass, not in its original form, but in an altered form set out by the committee.



**SPECIAL INTEREST
GROUPS**



GOV. AGENCIES

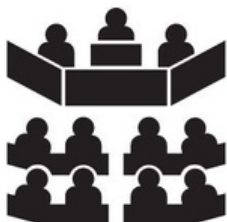


WE THE PEOPLE

DO NOT PASS - the committee does not recommend its passage.

WITHOUT RECOMMENDATION - the committee cannot come to a consensus, but feels the entire house should determine whether it should pass.

SPONSORSHIP



(H.O.R. OR SENATE)
**HOUSE OF ORIGIN
BILL READING**

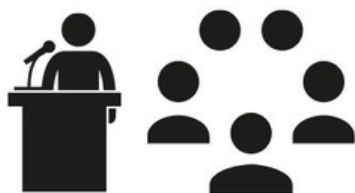

OVERRIDE VETO



VETOED



**GOVERNOR SIGNS
OR VETOS**



**LEG. COMMITTEE
HEARING**



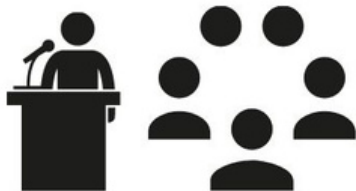
(H.O.R. OR SENATE)
**HOUSE OF ORIGIN
FLOOR VOTE**



(H.O.R. OR SENATE)
**HOUSE OF ORIGIN
BILL READING**



(H.O.R. OR SENATE)
**HOUSE OF ORIGIN
FLOOR VOTE**



**LEG. COMMITTEE
HEARING**

HB1080

Ayden, Elliott

Out of South Dakota's House of Representatives, a bill proposed, HB1080 bans access to gender-affirming medical treatment for transgender minors in South Dakota. HB1080 tells trans kids that they don't deserve the healthcare they need in order to thrive and succeed. The repercussions of this barred access and the spreading of misinformation puts the safety of the transgender community at an even greater risk whether that be increased mental health challenges or ostracization within communities. SDYA strongly advocated against this bill during this year's session in the hope of defeating this bill before it lands on Gov. Noem's desk.

Representative Bethany Soye, the prime sponsor of House Bill 1080, made the first reading in front of the South Dakota House of Representatives on January 17th. Referred to the House Health and Human Services Committee, it was heard on January 31st. The language of these hearings was ugly and full of the anti-trans rhetoric that has been making waves over this nation.

"Medical providers in our state have been increasingly bold on the harmful chemical treatments and experimental procedures being conducted on children in our state... children are being mutilated," said Soye. This portrayal of gender-affirming healthcare is highly misinformed and does not even come close to illustrating the treatment that is provided to minors who are looking to transition.

Following Soye's opening statements on her bill, three people who identify as de-transitioners, gave their testimonies, including Billy Burleigh from Twin Falls Idaho. All the proponents' de-transitioners were from out of state and had transitioned and de-transitioned within their adult lives.

After hearing all the testimonies of the proponents of the bill, the opponents spoke, including medical professionals such as doctors, nurses, and therapists; representatives of advocacy organizations; parents and supporters of trans youth; as well as Elliott Morehead, a genderqueer trans teen from Sioux Falls, also the Executive Director of SDYA. "HB 1080 will deny that opportunity I've worked hard to achieve. After six months of working with my therapist, I have finally received my HRT letter. Which, FYI, only allows me to schedule an appointment and maybe start testing, and maybe start talking about gender-affirming treatment," stated Morehead. After approximately an hour and a half of testimony and statements, HB1080 was passed with 11 yeas and two nays with a do-pass recommendation (no to it moving forward) for the House of Representatives. House Bill 1080 then made its way through the House, passing 60 yeas to 10 nays.

The bill was first read in the South Dakota Senate. It was heard by the Senate Health and Human Services committee on February 8th and passed four yeas to two nays with a do-pass recommendation. The next day, February 9th, it was heard in the Senate where it was passed with 30 yeas and four nays and then signed by the speaker of the House and the president of the Senate on the same day. It was delivered to Noem's desk on February 13th and signed the next day, February 14th, making the bill into official law. The final passing of HB1080 was a heartbreaking outcome but SDYA will not stop taking action and advocating for the trans community. We will continue the fight.

VISIBILITY DAY

Perci, Elliott

Equality South Dakota hosts the annual Visibility Day at the South Dakota state capitol on Valentine's Day. This year, SDYA was pleased to join them and many other nonprofits in the state promoting LGBTQIA2S+ rights like the ACLU, Transformation Project, Black Hills Center for Equality, Sioux Falls Pride, and more. Lunch was provided for us and the legislators - food attracts. Many young people joined us that day, including representatives from SDSU's GSA, SD Mine's GSA, and many others.

We (Board Directors Perci and Elliott) spoke with Tyler Tordsen, a Republican legislator from Sioux Falls. We took the time to discuss his "yes" vote on HB1080 and educate him on our experiences - mine, Ayden's, and Elliott's - as young trans South Dakotans. He expressed his regrets and was willing to hear what we had to say. Politics are a dirty, messy, and tricky game, but it impacts all of us - especially the marginalized. As the SDYA community continues to grow and establish a presence in the capital, we hope to have more in-depth conversations with these legislators to discuss not only what matters to our generation and communities, but also how their decisions impact our lives.

We had much enthusiasm to meet with members of the Democratic caucus: Kameron Nelson, Linda Duba, Kayden Wittman, and Erin Healy. Visibility Day gave us a great opportunity to show our gratitude for the policy-makers who stand up for the rights of South Dakota's queer community. Perci took the time to speak with each of these representatives and gave them valentines (as well as Jess Olson, Republican from Rapid City) as thanks for speaking on the floor in opposition to HB1080.

The day ended with the House and Senate floor sessions. In the House, Rep. Nelson, the first openly gay representative in the South Dakota Legislature, opened with a House Commemoration, ironically numbered 8010, which would celebrate and recognize the LGBTQ+ and Two-Spirit community of South Dakota. Unsurprisingly, this commemoration was shot down by Rep. John Wiik, a Republican from District 4 (Clark, Codington, Deuel, Grant, Hamlin, and Roberts counties). Although it goes to show how queer and trans celebration continues to be shunned, SDYA won't stop sharing light on LGBTQ+ success and excellence within the walls of our capital building.



SB165

Livia

SB165 bill was an act to expand education on minority issues within law enforcement training. It would have required conversations about tribal jurisdiction, native history, and information surrounding legal and political relationships between the government and tribal nations. Mandated conversations within police training would have also included addressing racial and implicit bias. These discussions could have been very beneficial in improving interracial understanding as well as creating a step toward dismantling racial profiling and unfair treatment of communities of color. Understanding the culture and traditions of the citizens served by law enforcement should be at the frontline of the policing systems. A world and a criminal justice system without fair understanding could never be just or made to serve the people. It's seemingly unfathomable why anyone would not support this bill as it promotes understanding of the population police serve in this area, which leads to better treatment of our citizens and neighbors. SDYA fully supported Senate Bill 165 and the acts it entails if passed.



COLOR
IS NOT
A CRIME



BLACK
LIVES
MATTER

HB1092

Perci

Marriage should be a topic of joy and excitement, yet for many years LGBTQ+ individuals were not included in this conversation. HB1092 would have revised language in the South Dakota state constitution to change the definition of marriage from "man and woman" to "two people." This bill was introduced by Rep. Linda Duba, a Democrat from Sioux Falls. This would be inclusive of LGBTQ+ marriages, and fall in line with federal law and the Respect for Marriage Act. HB1092 was unfortunately doomed from the start, killed in its first committee, House State Affairs, on February 13th. LGBTQ+ and Two-Spirit individuals have expressed their desire to have the basic human right of marriage all throughout history. The HB1092 bill would have been a small but extremely significant shift in language. This shift would have given LGBTQ+ individuals the representation, validation, and love that this community needs. SDYA thanks Rep. Duba for her efforts to make LGBTQIA2S+ South Dakotans feel seen and heard.



HB1159

Perci, Shelsy

This legislative session, HB1159 was introduced by Rep. Erin Healy, a Democrat from Sioux Falls, to exempt menstrual products from state sales taxes. This was an effort to combat “period poverty”, something that affects some 2 in 5 Americans. Many opponents did not think of the implications of this, mostly men. The bill was a hard fight but was ultimately sent to the 41st legislative day (failed) by House Appropriations on February 15th. Period poverty is a serious crisis in America and one way to combat this issue would be from solutions from bills like HB1159. Around 22 million individuals living in poverty are not able to afford menstrual products. A sales tax reduction would have taken a load off of low-income families and individuals. Menstrual products are not a privilege, they are a basic human right. SDYA thanks Rep. Healy for her efforts to tackle this issue that affects South Dakotans.



HB 1165 & HB 1217

Elliott

Voting is a leading principle in our values of democracy; yet, the state legislature brings bills that reduce voting accessibility. This year, two bills of concern made progress in the state legislative session, one of which was sent to the 41st day (failed), and the other was signed by Gov. Noem. HB1165 and HB1217 regarding absentee ballots created obstacles that limited access to other methods other than in-person voting. Absentee ballots allow people to cast their votes by mail or drop boxes with an expanded time period for voting before Election Day. This method of voting is common among people who are disabled or neurodivergent, have incompatible work schedules, are out of state/district/country on Election Day, and for several other reasons. Voting is a right and absentee ballots ensure that right no matter any person's life circumstances.



HB1217 was an attempt to put restrictions on who is eligible for these ballots. Although eligibility requirements include a lot of common reasons, the list doesn't include all, creates a lot of questions, and most of all, it opens up a can of worms. Who gets to decide who's eligible to vote? What will that process look like and how will it affect citizens' motivation to vote? On top of this, this bill includes preventing the use of ballot drop boxes that make it simple for citizens to deposit their completed absentee votes. Fortunately, it was killed on the House floor when reconsidered after the first vote which tied. If this bill became law, it would disenfranchise the vote of many people including those living in poverty and those with disabilities. Impoverished areas have a number of obstacles to voting already due to limited voting locations, concerns about driving distance and costs, and the disparity of information given.

HB1165 is another bill of disenfranchisement, specifically towards marginalized communities with a higher risk of being convicted of a crime. HB1165 ensured that people convicted of a felony aren't eligible to vote via absentee ballot (can only vote in person only after one's sentence is completed). America has the highest incarceration rate in the world and the racism that fabricates our law enforcement system has created vast types of disparities holding down communities of color. Preventing voter accessibility of people involved with this system, not only does this government create obstacles for citizens of color (for example, Black Americans are seven times more likely than white Americans to be falsely convicted of serious crimes according to the report, *Race and Wrongful Convictions in the United States 2022*), they also silence the voices most effected by the institutional disparities. Americans can not celebrate democracy until the right to vote is granted to everyone.

HB 1213

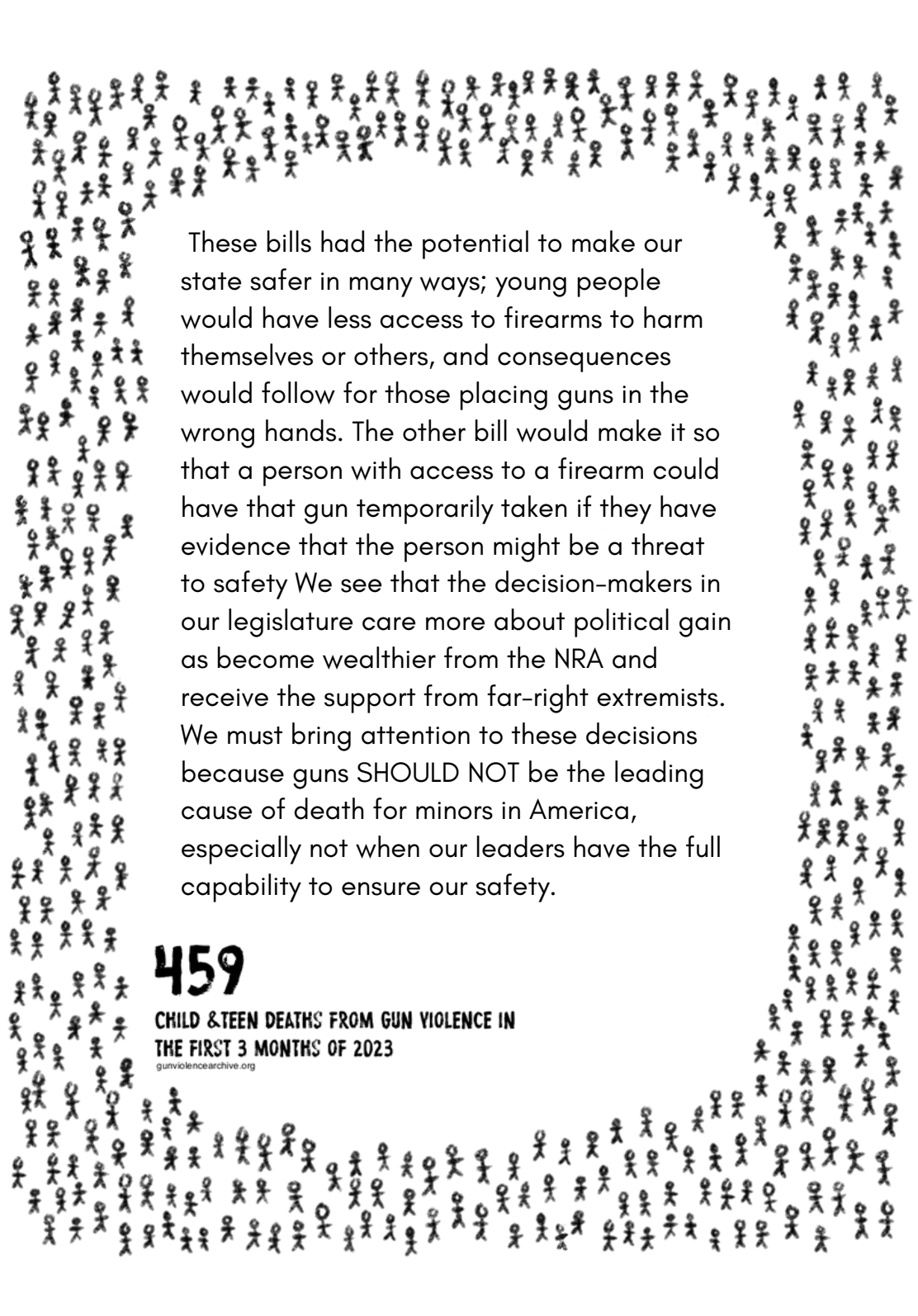
Elliott

The South Dakota legislature shot down gun control bills that would have helped protect the community from gun violence. HB1213 would have made it a class 6 felony if one allowed a firearm in the hands of a minor; this would penalize the storage of a firearm outside of a locked container and the act of distributing a gun to a minor. The other, HB1227 would have made it so that a person/s could petition the district courts to place a temporary protection order to remove any and all firearms and ammunition from a person's possession if the court has evidence of potential harm from the weapon in possession.

On February 1st, 2023, House Bill 1213 was read to the house floor where it was set to be heard by the House Judicial Council on Feb 3rd, 2023. When the bill was read, it was proposed to move it to the 41st day (failed) and did so with a vote of 10 yeas and 0 nays.

On February 13th, 2023, House Bill 1227 was read to the house floor where it was set to be heard by the House Judicial Council on the same day. In the Council hearing, a proposal to move the bill to the 41st day (failed) passed with a vote of 11 yeas and 0 nays.





These bills had the potential to make our state safer in many ways; young people would have less access to firearms to harm themselves or others, and consequences would follow for those placing guns in the wrong hands. The other bill would make it so that a person with access to a firearm could have that gun temporarily taken if they have evidence that the person might be a threat to safety. We see that the decision-makers in our legislature care more about political gain as become wealthier from the NRA and receive the support from far-right extremists. We must bring attention to these decisions because guns SHOULD NOT be the leading cause of death for minors in America, especially not when our leaders have the full capability to ensure our safety.

459

**CHILD & TEEN DEATHS FROM GUN VIOLENCE IN
THE FIRST 3 MONTHS OF 2023**

gunviolencearchive.org

HB1103 & HB1241

Perci

HB1103 was introduced by Rep. Kady Wittman, Democrat from Sioux Falls. This bill would have waived the fee for a state ID card for those at or below the federal poverty level. Lack of ID can be a barrier to those living in poverty, preventing them from voting, working, and accessing resources. This bill was killed by House Transportation; however, this bill was partially revived in the form of HB1241, The House Transportation Committee sponsored this bill which would provide ID cards to those who are homeless. Despite this do pass recommendation (approval), House Appropriations tabled it on February 23rd (to be not reconsidered). SDYA thanks Rep. Wittman for her efforts to recognize barriers to housing and financial stability and attempt to combat them.

HB1116 & HB1125

Garrett

If there's one thing to take away from South Dakota's 2023 Legislative Session, it's that lawmakers "care" about the safety of children, but don't trust parents when it comes to parenting. This was evident on multiple levels - from bans on gender-affirming healthcare to proposed bans on drag performances, and so much more. This hard-fought fight went through the ranks of both the South Dakota House and Senate Congressional Committees. Garrett Satterly, an LGBTQ+ advocate and student at South Dakota State University, led the fight to ensure students can continue to express themselves through drag on South Dakota campuses.

Satterly had testified before legislators under different circumstances, which to him was quite easy." However, when you're testifying about something so controversial that relates to your identity, things are different. "I was nervous - not for me, but for my many friends and others who would be affected by a drag ban. The first time I testified on HB1125 and HB1116, the same story was told - these drag shows are taking place in our state using taxpayer dollars," says Satterly. Frustratingly advocating against the bill, soon HB1125 died in committee; although, HB1116 moved on with thin margins.

Testifying a second time on HB1116, Satterly knew he had to make a statement with a passion fueled by lies as he exposed the lies made by legislators. He expressed clearly that drag shows are not using state-owned property, but rather the property of the students of SDSU. Additionally, his testimony called out others who shared lude pictures claiming to be from SDSU's drag show, when they were from a different show. "It was clear to see my nerves from the first testimony were hidden by the fiery passion I had during the second testimony," admits Satterly. Luckily, HB1116 died in its second committee, but not without a Smokeout (attempt to revive the bill on the house floor) to try to pass it without committee support. Overall, this advocacy made it known that drag is vital to our freedom of expression and has just as much right on a college campus as any other activity.



HB1229 & SB191

Ryott

The Indian Child Welfare Act (ICWA) is a federal law that protects Native American children by only allowing Native children to be adopted by Native American families to help preserve native heritage and culture. Before the ICWA was passed, Native American children were forcibly taken from their parents and given to government boarding schools and religious institutions, which worked to erase Native American culture from these children's lives. ICWA recently came under fire in the Supreme Court by a conservative-backed case that claims that the ICWA is racist. If the current Supreme Court were to overturn this now or in the future, the sovereignty of Native Nations could well be at risk. Because of this, South Dakota politicians introduced House Bill 1229, which would codify the ICWA into state law, and Senate Bill 191, which would create a task force to investigate the best way to go about codifying this in South Dakota. HB 1229 was killed in the house on February 6th of this year after one hearing. SB 191 was passed through the Senate on February 22nd and was later killed in the House.

HB1070 & HB1163

Perci

HB1070 was introduced by Rep. Scott Odenbach, Republican from Spearfish, to create a "Center for American Exceptionalism" at Black Hills State University. Immediately, the name of this center is cause for concern - implying a nationalistic approach and notion that America is "greater" than other nations. The bill intended to design the civics and history curriculum to "explain why America rose to greatness and how to keep it that way, and teaching students to balance critical thinking with love of country".

Knowing Odenbach and his views, this bill was of immediate concern to me [Perci]. "He is conservative through and through, which is his right, but education should be unbiased, and I don't think that's what he has in mind," they stated.

The bill moved through House Education and Appropriations. An amendment introduced in Appropriations would have implemented courses "comparing communist and socialist countries and economies to Western-style democratic countries and capitalists economies throughout history". This is again a cause for concern, not for educational value, but for the risk of a biased curriculum.

HB1070 failed the House and was smoked out (revived), but failed the House again on February 22nd.

HB1163 was introduced by Rep. John Hansen, Republican from District 25 (Minnehaha, Moody counties) to “prohibit the dissemination of obscene material to minors in a public school or public library”. This bill would have created a way for materials to be strictly reviewed and removed from libraries. Censorship concerns were rampant - and SDYA was concerned about the censorship of minority issues - like LGBTQ+ literature. Bills like this have swept across the country - like Florida’s “Don’t Say Gay” law. Major education, library organizations, and individuals across the state testified in opposition to this bill, and the bill was sent to the 41st legislative day, killing it in committee.

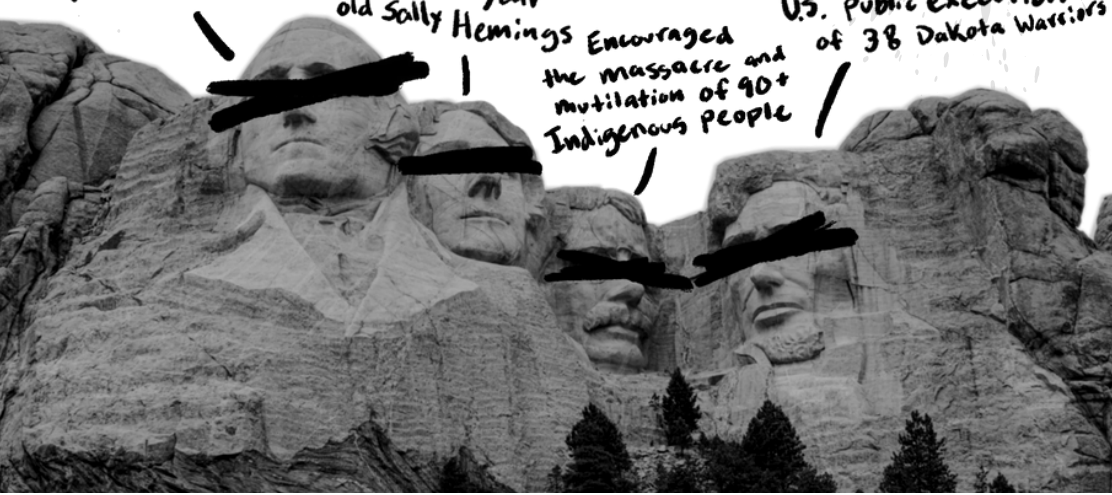
GREAT?

Owned 300+ enslaved people, 143 were children

Raped 16 year old Sally Hemings

Encouraged the massacre and mutilation of 90+ Indigenous people

Ordered the largest U.S. public execution of 38 Dakota Warriors



RESOURCES

Find Your Legislators

sdlegislature.gov/Legislators/Find

Track State Bills

www.aclusd.org/en/bills

Changemaker Toolkit

www.aclusd.org/en/bills

Become a Youth Advocate

<https://sdya.org/apply>

Download the
digital version



Donate



**UNITE.
EMPOWER.
INSPIRE.**

Join our Discord



WRITERS



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south dakota

YOUTH ACTIVISM



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