

Committee: House State Affairs

Monday, March 01, 2021 7:00 AM

Roll Call

Present: Rep. Anderson, Rep. Beal, Rep. Chaffee, Rep. Goodwin, Rep. Gosch, Rep. Hansen, Rep. Kevin Jensen, Rep. Chris Johnson, Rep. Lesmeister, Rep. Kent Peterson, Rep. Reimer, Rep. Jamie Smith, and Rep. Wiese

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kent Peterson

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 24TH

Moved by: Hansen
Second by: Chris Johnson
Action: Prevailed by voice vote

SB 177 : revise the provisions of parental choice regarding compulsory school attendance and matters ancillary thereto.

Presented by: Representative Rebecca Reimer
Proponents: Maggie Seidel, Governor's Office
Tiffany Sanderson, Department of Education
Jennifer Beving, self, Nemo, South Dakota
Senator Jim Bolin
Senator Wayne Steinhauer
Opponents: Cynthia Mickelson, self, Sioux Falls, South Dakota
Tim Graf, self, Harrisburg, South Dakota
Brian Moser, self, Pierre, South Dakota
Samantha Field, Coalition for Responsible Home Education, Roxbury
Mari Swanson, self, Lake Norden, South Dakota
Others: Mark Miller, General Counsel, Office of the Governor
Madison Grimmer, self, Wallace, South Dakota
Dan Swartos, South Dakota High School Activities Association, Pierre

MOTION: DO PASS SB 177

Moved by: Chris Johnson
Second by: Hansen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND SB 177

177H

On page 2, line 25, of the Senate bill, after "with " delete "either the Department of Education or"
On page 2, line 26, of the Senate bill, after "the " delete "Department of Education or the"

Moved by: Anderson
Second by: Jamie Smith
Action: Failed by voice vote

MOTION: SUBSTITUTE MOTION: **AMEND SB 177**

177I

On page 8, line 13, of the Senate bill, delete "his" and insert " the child's"

On page 8, line 14, of the Senate bill, delete "his" and insert " their"

Moved by: Anderson

Second by: Gosch

Action: Failed by voice vote

MOTION: **CALL THE QUESTION**

Moved by: Goodwin

Second by: Anderson

Action: Failed by roll call vote (3-10-0-0)

Voting Yes: Anderson, Beal, and Goodwin

Voting No: Chaffee, Gosch, Hansen, Kevin Jensen, Chris Johnson, Lesmeister, Kent Peterson, Reimer, Jamie Smith, and Wiese

Revert to previous motion**MOTION: **DO PASS SB 177****

Moved by: Chris Johnson

Second by: Hansen

Action: Prevailed by roll call vote (8-5-0-0)

Voting Yes: Beal, Chaffee, Goodwin, Hansen, Kevin Jensen, Chris Johnson, Reimer, and Wiese

Voting No: Anderson, Gosch, Lesmeister, Kent Peterson, and Jamie Smith

****SB 71 :** **designate Juneteenth as a working holiday.****

Presented by: Representative Fred Deutsch

Proponents: Senator Jim Bolin

Debra Owen, Greater Sioux Falls Chamber of Commerce, Sioux Falls

David Owen, South Dakota Chamber of Commerce and Industry

Karlton Adam, The South Dakota Bankers Association, Pierre

Dr. Tamara Grove, self, Sioux Falls

MOTION: **DO PASS SB 71**

Moved by: Hansen

Second by: Beal

Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Lesmeister, Kent Peterson, Reimer, Jamie Smith, and Wiese

SB 85 : modify the composition of the Retirement Laws Committee.

Presented by: Representative Chris Johnson

MOTION: DO PASS SB 85

Moved by: Gosch
Second by: Beal
Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, Reimer, and Wiese

Voting No: Lesmeister and Jamie Smith

SB 111 : reduce the fee for permits to carry concealed pistols.

Presented by: Representative Kevin Jensen
Proponents: Mark Miller, General Counsel, Office of the Governor

MOTION: DO PASS SB 111

Moved by: Gosch
Second by: Beal
Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Lesmeister, Kent Peterson, Reimer, Jamie Smith, and Wiese

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 111 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 86 : revise certain requirements regarding the review of initiated amendments to the Constitution and to declare an emergency.

Presented by: Senator Lee Schoenbeck

MOTION: DO PASS SB 86

Moved by: Goodwin
Second by: Wiese
Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, Reimer, and Wiese

Voting No: Lesmeister and Jamie Smith

SB 124 : provide protections for the exercise of religious freedom.

Presented by: Representative Jon Hansen
Proponents: Chris Motz, South Dakota Catholic Conference, Sioux Falls

Norman Woods, Family Heritage Alliance Action, Rapid City, South Dakota
Roger Tellinghuisen, Human Rights Campaign, Washington (Handout(s) 1)
Monica Tanner, President, South Dakota Christian Home Educators

Representative Kent Peterson announced recess of the committee. The committee will reconvene in Room 413, 15 minutes following House adjournment.

Representative Kent Peterson reconvened the meeting at 4:40PM in Room 413. All members are present.

MOTION: DO PASS SB 124

Moved by: Gosch
Second by: Beal
Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Anderson, Beal, Goodwin, Gosch, Hansen, Kevin Jensen, Lesmeister, Kent Peterson, Jamie Smith, and Wiese

Excused: Chaffee, Chris Johnson, and Reimer

SB 100 : continue the prohibition on the seizure of firearms and ammunitions.

Presented by: Representative Spencer Gosch
Proponents: Senator Gary L. Cammack
T.J. Nelson, South Dakota Upland Outfitters Association, Kimball

MOTION: DO PASS SB 100

Moved by: Beal
Second by: Kevin Jensen
Action: Prevailed by roll call vote (9-1-3-0)

Voting Yes: Anderson, Beal, Goodwin, Gosch, Hansen, Kevin Jensen, Lesmeister, Kent Peterson, and Wiese

Voting No: Jamie Smith

Excused: Chaffee, Chris Johnson, and Reimer

SB 112 : establish requirements for filling the vacancies of certain constitutional offices.

Presented by: Senator Arthur Rusch (Handout(s) 2)

MOTION: DO PASS SB 112

Moved by: Anderson
Second by: Lesmeister
Action: Prevailed by Majority Members Elect (10-1-2-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Kevin Jensen, Lesmeister, Kent Peterson, Jamie Smith, and Wiese

Voting No: Hansen

Excused: Chris Johnson and Reimer

SB 103 : provide for the confidentiality of personal information of persons affiliated with nonprofit corporations.

Presented by: Representative Kirk Chaffee

Proponents: Mark Miller, General Counsel, Office of the Governor
Don Haggard, Americans For Prosperity, Arlington
Dale Allen Bartscher, South Dakota Right to Life, Rapid City (Handout(s) 3)
Norman Woods, Family Heritage Alliance Action, Rapid City, South Dakota
Matt McCaulley, People United for Privacy
Senator Casey Crabtree

Others: Kea Warne, Office of Secretary of State

MOTION: AMEND SB 103

103D

On page 2, line 14, of the Senate Commerce and Energy bill, after "by" insert " state law to be filed with"

On page 2, line 14, of the Senate Commerce and Energy bill, after "state" delete " for campaign finance purposes pursuant to chapter 12-27"

On page 2, line 16, of the Senate Commerce and Energy bill, delete "Any filing required of a nonprofit corporation pursuant to chapters 47-22 to 47-28, inclusive" and insert "Any official record or minutes required by law to be maintained by a public agency if the personal affiliation information was voluntarily disclosed by the donor"

Moved by: Hansen

Second by: Wiese

Action: Prevailed by voice vote

MOTION: DO PASS SB 103 AS AMENDED

Moved by: Hansen

Second by: Chris Johnson

Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, Reimer, and Wiese

Voting No: Lesmeister and Jamie Smith

SB 24 : allow a change of voter registration information through an online system provided by the Office of the Secretary of State.

Presented by: Senator Jim Bolin (Handout(s) 4)

Proponents: Steve Barnett, Secretary of State
Mitch Richter, Secure Elections Project, Helena
Eric Nelson, AARP South Dakota, Sioux Falls

Amy Scott-Stoltz, League of Women Voters of South Dakota, Sioux Falls
Koni Sims, Self, Sioux Falls

Others: Kea Warne, Office of Secretary of State

MOTION: AMEND SB 24

24F

On page 1, line 11, of the Senate bill, delete "However, the " and insert "The "
On page 1, line 13, of the Senate bill, after "system" insert ", unless the applicant qualifies to register under § 12-4-4. 12 or as otherwise allowed by federal law"

Moved by: Kevin Jensen

Second by: Anderson

Action: Prevailed by voice vote

MOTION: AMEND SB 24

24H

On page 1, line 1, of the Senate bill, delete "allow a change of " and insert "provide for "
On page 1, line 1, of the Senate bill, after "registration " delete "information "
On page 1, line 1, of the Senate bill, after "online " insert "voter registration "
On page 1, line 4, of the Senate bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added:

"

On page 1, line 5, of the Senate bill, after "added:" delete "Online adjustment of voter registration."

On page 1, line 5, of the Senate bill, after "registration." delete "

A person eligible to vote under § 12-4-1, and who has a valid South Dakota driver license or South Dakota nondriver identification card, may submit changes of last name, residence address, mailing address, telephone number, email address, previous voter registration information, party affiliation, and willingness to serve as an election worker for the purpose of accurate voter registration records through an online electronic system maintained by the Office of the Secretary of State. However, the initial voter registration process of an eligible applicant may not be submitted through any online electronic system."

On page 1, after line 12, of the Senate bill, insert "

Section 1. That a NEW SECTION be added:

12-4-2.4. Electronic voter registration interface--Sworn statement of applicant.

A person eligible to vote under § 12-4-1 and who has a valid South Dakota driver license or South Dakota nondriver identification card may submit a voter registration form electronically through an online electronic voter registration interface maintained by the Office of the Secretary of State. The electronic voter registration interface shall perform the following functions:

- (1) Validate that the applicant's information supplied as part of the voter registration process matches information contained in the driver license database maintained by the South Dakota Department of Public Safety;
- (2) Authenticate the identity of any applicant under a process developed by the secretary of state that includes verifying the following information:
 - (a) The applicant's driver license or nondriver identification card number;
 - (b) The last five digits of the applicant's social security number;
 - (c) The applicant's full name as printed on the applicant's driver license or nondriver identification card; and
 - (d) The applicant's date of birth;
- (3) Obtain an electronic copy of the applicant's signature from the applicant's driver license or nondriver identification card from the driver license database

maintained by the Department of Public Safety. For voter registration purposes, the applicant is required to assent to the use of the applicant's signature from his or her driver license or nondriver identification card; and (4) Transmit any completed and verified voter registration application to the statewide voter registration file.

Any applicant for voter registration under this Act shall make a sworn written statement declaring and affirming, under the penalty of perjury, that the applicant is entitled to register to vote under § 12-4-1 and that the applicant consents to providing the requested information for the uses required under this section. This statement may be made electronically as part of the process of utilizing the electronic voter registration interface.

"

Moved by: Goodwin
Second by: Jamie Smith
Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Beal, Chaffee, Goodwin, Gosch, Lesmeister, and Jamie Smith

Voting No: Anderson, Hansen, Kevin Jensen, Chris Johnson, Kent Peterson, Reimer, and Wiese

MOTION: DEFER SB 24 TO THE 41ST LEGISLATIVE DAY

Moved by: Chris Johnson
Second by: Gosch
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS SB 24 AS AMENDED

Moved by: Jamie Smith
Second by: Lesmeister
Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Anderson, Chaffee, Goodwin, Lesmeister, Kent Peterson, and Jamie Smith

Voting No: Beal, Gosch, Hansen, Kevin Jensen, Chris Johnson, Reimer, and Wiese

Revert to previous motion

MOTION: DEFER SB 24 TO THE 41ST LEGISLATIVE DAY

Moved by: Chris Johnson
Second by: Gosch
Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Beal, Gosch, Hansen, Kevin Jensen, Chris Johnson, Reimer, and Wiese

Voting No: Anderson, Chaffee, Goodwin, Lesmeister, Kent Peterson, and Jamie Smith

SB 184 : require the sorting of absentee ballots.

Presented by: Representative Bethany Soye
Proponents: Senator Jack Kolbeck

MOTION: DO PASS SB 184

Moved by: Gosch
Second by: Beal
Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Anderson, Beal, Chaffee, Goodwin, Gosch, Hansen, Kevin Jensen, Chris Johnson, Lesmeister, Kent Peterson, Reimer, Jamie Smith, and Wiese

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 184 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Gosch
Second by: Anderson
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ KENT PETERSON
Kent Peterson, Chair