

Committee: Senate State Affairs

Wednesday, February 16, 2022 10:00 AM

Roll Call

Present: Sen. Schoenbeck, Sen. Duhamel, Sen. Crabtree, Sen. Duvall,
Sen. Schoenfish, Sen. Rohl, Sen. Heinert, Sen. Diedrich, and Sen. Cammack

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Cammack

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 14TH

Moved by: Crabtree
Second by: Rohl
Action: Prevailed by voice vote

Chairman Cammack passed the gavel to Senator Crabtree.

SB 142 : establish provisions for medical services.

Presented by: Senator Gary Cammack, District 29

MOTION: DO PASS SB 142

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, and
Cammack

Excused: Diedrich

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 142 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

SB 143 : establish provisions related to education.

Presented by: Senator Gary Cammack, District 29

MOTION: DO PASS SB 143

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, and
Cammack

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 143 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 144 : establish provisions related to public safety.

Presented by: Senator Gary Cammack, District 29

MOTION: DO PASS SB 144

Moved by: Schoenbeck

Second by: Rohl

Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, and Cammack

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 144 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

Senator Crabtree returned the gavel to Chairman Cammack.

SB 178 : replace the name of Custer State Park.

Presented by: Senator Troy Heinert, District 26

Proponents: Ross B Garelick Bell, Yankton Sioux Tribe, Wagner

Ross B Garelick Bell, Oglala Sioux Tribe, Pine Ridge

Opponents: Senator Julie Frye-Mueller, District 30

MOTION: DEFER SB 178 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck

Second by: Crabtree

Action: Prevailed by Majority Members Elect (7-1-1-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, and Cammack

Voting No: Heinert

Excused: Diedrich

SB 185 : revise certain provisions regarding voter registration records.

Presented by: Senator Julie Frye-Mueller, District 30

Proponents: Rick Weible, self, Elkton

Jessica Pollema, self, Tea

Cindy Meyer, self, Hartford

Gary Meyer, self, Hartford

David Reker, self, Trent

Joanna Smith, self, Rapid City

Opponents: Joan Adam, Department of Health

MOTION: AMEND SB 185

185A

On page 1, line 4, of the Introduced bill, delete " shall" and insert " must"

On page 1, line 7, of the Introduced bill, delete " resides" and insert " is registered to vote"

On page 1, line 9, of the Introduced bill, delete " shall" and insert " must"

On page 1, line 18, of the Introduced bill, delete " shall" and insert " must"

On page 1, line 21, of the Introduced bill, delete " shall" and insert " must"

On page 1, line 21, of the Introduced bill, after "records. " insert "State officials shall supplement data from state vital statistics agencies on deceased registrants with information from the Social Security Death Index, the Social Security Administration's Master Death File, or independent audits of the voter registration file by commercial groups that identify deceased individuals as part of their businesses.

All state court clerks must forward to the appropriate election official in their county information on any individual called for jury duty who is excused from jury duty because the individual has moved, is a convicted felon, is deceased, or is not a U. S. citizen. Upon the receipt of such information, election officials must investigate to determine the eligibility of that individual to remain registered.

"

On page 1, line 22, of the Introduced bill, delete " may" and insert " shall"

On page 1, line 22, of the Introduced bill, after "1-26" insert " and in compliance with federal law"

On page 1, line 23, of the Introduced bill, after "matched" insert " pursuant to this section"

Moved by: Schoenbeck

Second by: Rohl

Action: Prevailed by voice vote

MOTION: DEFER SB 185 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck

Second by: Rohl

Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, and Cammack

Excused: Diedrich

SB 126 : require closure of litigation over the recreational use of nonmeandered waters.

Presented by: Senator Herman Otten, District 6

Proponents: Chris Hesla, SD Wildlife Federation, Pierre
Paul Lepisto, South Dakota Division of the Izaak Walton League of America, McCook Lake

Opponents: Kevin Robling, Department of Game, Fish and Parks
Rob Roeber, self, Redfield (Handout(s) 1,2,3)

MOTION: DO PASS SB 126

Moved by: Schoenbeck

Second by: Rohl

Action: Prevailed by Majority Members Elect (7-0-2-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, and Cammack

Excused: Heinert and Diedrich

SB 202 : update maintenance requirements for voter registration files.

Presented by: Senator Julie Frye-Mueller, District 30

Proponents: Jessica Pollema, self, Tea
Cindy Meyer, self, Hartford
Rick Weible, self, Elkton
Joanna Smith, self, Rapid City

Opponents: Roger Tellinghuisen, South Dakota Association of County Officials, Pierre

MOTION: AMEND SB 202

202A

On page 2, after line 4, of the Introduced bill, insert: "

Section 3. That § 12-4-37 be AMENDED:

12-4-37. The secretary of state ~~shall~~ must establish a secure computerized system for maintaining and utilizing the voter registration file and for transmitting voter registration information from each county auditor to the Office of the Secretary of State. Each county auditor ~~shall~~ must transmit any changes to the master registration file or the absentee voter log to the secretary of state on a daily basis. The county auditor ~~shall~~ must transmit updated information contained in the county voter registration system, including voter registration information and voter election history information, to the Office of the Secretary of State not later than July fifteenth after each primary election and December fifteenth after each general election."

On page 2, after line 4, of the Introduced bill, insert: "

Section 4. That chapter 12-4 be amended with a NEW SECTION:

To maintain the accuracy of voter rolls, a statewide voter registration list database shall be designed to communicate with other state record databases to allow frequent exchanges and comparisons of information. The changing of information at one agency shall result in changing the same information at all other agencies that hold such information for the voter.

There shall be monthly comparisons of the statewide voter registration list with the databases maintained by the Department of Motor Vehicles and the state welfare and public assistance agencies, to locate information relevant to registration such as address changes and citizenship status.

The residence address on all new voter registration forms must be compared with county tax records to ensure that the address is confirmed as a residence and not a commercial or industrial address, an undeveloped lot, or the address of property owned by a local government, a state government, or the federal government that is not a residence.

When a new registration is received, the entire voter registration list must be checked against the information available from county tax records to verify how many individuals are registered at that residence address to identify any anomalies. Registrations of individuals registered at the same address but with only slight differences in their names shall be verified to ensure that they do not represent multiple registrations by the same individual. The county auditor

must verify the form is filled out completely, and the place of residence is not a commercial address.

List maintenance programs shall be required and funded for ongoing, continuous, and comprehensive accuracy updates each year. Every year, reports of activity detailing the extent and timing of maintenance programs shall be provided to the state legislature's oversight committees.

At least quarterly, the Office of Secretary of State shall utilize the United States Postal Service's National Change of Address (NCOA) system to identify voters who have moved to ensure that they are not registered in more than one state. The registration of any voter must be verified if any notice sent to such voter is returned by the United States Postal Service as undeliverable or if election officials receive other information showing that the voter has moved, died, or is otherwise ineligible to vote.

South Dakota shall cooperate with other states to compare voter lists to identify individuals who are registered to vote in more than one state. Election officials must determine the current residence of each such individual to verify his or her eligibility to remain registered to vote in South Dakota.

State election officials shall be authorized to contract with commercial data companies, including credit reporting agencies, to verify and audit information in voter registration lists encompassing citizenship status and residence."

Moved by: Schoenbeck
Second by: Schoenfish
Action: Prevailed by voice vote

MOTION: DEFER SB 202 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, Diedrich, and Cammack

SB 187 : require state agencies to provide certain information for initiated measure or constitutional amendment fiscal notes.

Presented by: Senator Wayne Steinhauer, District 9

MOTION: DO PASS SB 187

Moved by: Duhamel
Second by: Rohl
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Heinert, Diedrich, and Cammack

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 187 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

Chairman Cammack passed the gavel to Senator Crabtree.

SB 198 : revise provisions related to juvenile offenders.

Presented by: Senator V.J. Smith District 7

Proponents: Klint Willert, Superintendent Brookings School District, self, Brookings
 Ryan Rollinger, self, Harrisburg
 Dianna Miller, Large School Group, Pierre (Handout(s) 4)
 Wade Pogany, Associated School Boards of South Dakota, Pierre
 Mitch Richter, United School Association of South Dakota, Madison
 Grant Flynn, State's Attorney's Association, Pierre
 Representative Caleb Finck, District 21
 Jane Staven, self, Sioux Falls
 Lisa Perry, self

Opponents: Kristi Bunkers, Department of Corrections
 Greg Sattizahn, Unified Judicial System
 Joanna Lawler, self, Rapid City
 Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City
 Rebecca Marie Kiesow-Knudsen, Lutheran Social Services of SD, Sioux Falls
 Doug Hoffman, self, Sioux Falls
 Elisabeth O'Toole, self, Sioux Falls

Others: Senator Lee Schoenbeck, District 5

Senator Crabtree returned the gavel to Chairman Cammack.

MOTION: DO PASS SB 198

Moved by: Rohl
Second by: Duvall
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Diedrich, and
 Cammack

Voting No: Heinert

SB 212 : revise certain fees collected by the Office of the Secretary of State.

Presented by: Jeff Partridge, Bureau of Finance and Management

Proponents: Brian Gosch, National Rifle Association, Fairfax, VA
 Nephi J Cole, National Shooting Sports Foundation, Newtown, CT
 Staci Ackerman, South Dakota Sheriffs Association, Eureka
 Roger Tellinghuisen, South Dakota Association of County Officials, Pierre

Opponents: Brian Berge, self, Beresford

MOTION: AMEND SB 212

212A

On page 1, line 8, of the Introduced bill, after "permit." insert " The fee for issuing the permit is three dollars. The local authority shall collect the fee, and it must be deposited in the general fund of the county."

On page 1, line 13, of the Introduced bill, after "and" insert " shall pay a three dollar fee and"

On page 1, line 16, of the Introduced bill, after "§ 23-7-8.2." insert " The renewal fee shall be distributed as set forth in § 23-7-8. 2."

On page 2, line 2, of the Introduced bill, after "if" insert "A separate payment for the cost of processing the criminal background check and,"

On page 2, line 2, of the Introduced bill, delete "If" and insert " if"

On page 2, line 4, of the Introduced bill, after "dollars;" insert "
(4) A separate application fee of fifty dollars;"

On page 2, line 5, of the Introduced bill, delete "(4)" and insert "(5)"

On page 2, line 14, of the Introduced bill, after "permits." insert "Fifty dollars of the application fee must be retained by the sheriff."

On page 2, line 24, of the Introduced bill, after "shall:" delete "(1) "

On page 2, line 26, of the Introduced bill, after "check;
(3)" insert "(1) Pay a renewal fee in the amount of twenty-five dollars;
(2) Pay the fee for a criminal background check;
(3) "

On page 3, line 8, of the Introduced bill, after "permits." insert "Twenty-five dollars of the renewal fee must be retained by the sheriff."

On page 3, line 19, of the Introduced bill, after "check;" delete " and"

On page 3, line 20, of the Introduced bill, after "check;" insert "
(3) A separate payment for the cost of processing the criminal background check; and
(4) A separate application fee of thirty dollars for the gold card permit to carry a concealed pistol."

On page 3, line 23, of the Introduced bill, after "pistol" delete the period

On page 3, line 26, of the Introduced bill, after "permits." insert "Thirty dollars of the application fee must be retained by the sheriff."

On page 4, line 3, of the Introduced bill, after "person" insert " shall:
(1) Pay a thirty dollar renewal fee; and"

On page 4, line 5, of the Introduced bill, after "and
(2) Pass" insert "(2) "

On page 4, line 5, of the Introduced bill, delete " must pass" and insert "Pass"

On page 4, line 9, of the Introduced bill, after "permits." insert "Thirty dollars of the renewal fee must be retained by the sheriff."

Moved by: Duhamel
Second by: Schoenbeck
Action: Prevailed by voice vote

MOTION: DO PASS SB 212 AS AMENDED

Moved by: Schoenbeck
Second by: Duhamel
Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Schoenbeck, Duhamel, Crabtree, Duvall, Schoenfish, Rohl, Diedrich, and Cammack

Excused: Heinert

MOTION: ADJOURN

Moved by: Rohl
Second by: Diedrich
Action: Prevailed by voice vote

Lorna Shell, Committee Secretary

/s/ GARY L. CAMMACK

Gary L. Cammack, Chair