

Committee: House State Affairs

Friday, February 03, 2023 7:45 AM

Roll Call

Present: Rep. Bartels, Rep. Blare, Rep. Cammack, Rep. Chaffee, Rep. Chase,
Rep. Drury, Rep. Hansen, Rep. Healy, Rep. Lesmeister, Rep. Reimer,
Rep. Wangsness, Rep. Rehfeldt, and Rep. Mortenson

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mortenson

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 01ST

Moved by: Blare
Second by: Chase
Action: Prevailed by voice vote

HB 1165 : modify certain provisions pertaining to absentee voting.

Presented by: Representative Kirk Chaffee
Proponents: Deb Halverson, Lyman County Auditor, self, Kennebec
T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL

MOTION: AMEND HB 1165

1165B

On page 3, line 14, of the Introduced bill, delete " Thursday" and insert " Monday"
On page 3, line 22, of the Introduced bill, after "envelope" delete " and provide the identification
information pursuant to § 12-19-4"
On page 3, line 28, of the Introduced bill, delete "Authorizing" and insert " Providing the ballot to"
On page 3, after line 29, of the Introduced bill, insert: "

Section 8. That § 12-19-7.1 be AMENDED:

12-19-7.1. No person who is a candidate for any elective office, except for political party
offices described in § 12-5-2 or county auditor or such deputy, at the election
for which the ballot or ballots are to be voted, may serve as an authorized
messenger. A violation of this section is a Class 2 misdemeanor."

On page 4, line 33, of the Introduced bill, after "ballot" delete " has died or"
On page 4, line 33, of the Introduced bill, after "to" insert " death,"
On page 5, line 1, of the Introduced bill, after "conviction," insert " or"
On page 5, line 1, of the Introduced bill, after "incompetence" delete ", or registering to voter in
another state"
On page 5, line 7, of the Introduced bill, after "voter;" insert " or"
On page 5, line 8, of the Introduced bill, after "voter" delete "; or"
On page 5, line 9, of the Introduced bill, after "or" delete "(4) Unopened by reason of out-of-state
voter registration of voter"
On page 7, line 17, of the Introduced bill, after "misdemeanor." delete "Section 16. That § 12-19-49
be AMENDED:"
On page 7, line 18, of the Introduced bill, after "AMENDED:" delete "12-19-49. If, prior to the casting
of absentee ballots, the person in charge of the election or absentee ballot counting
board shall have has sufficient cause to believe that any voter who has marked and
forwarded an absentee ballot has died prior to the opening of the polls on the date of
the election, the is no longer an eligible voter due to death, felony conviction, mental
incompetence, or registering to vote in another state, the ballot of the voter shall must

be returned in the sealed return envelope with the evidence of death the disqualifying factor listed in this section attached and the envelope marked accordingly with one of the following statements:

- (1) "Unopened by reason of death of voter";
- (2) Unopened by reason of felony conviction of voter;
- (3) Unopened by reason of mental incompetence of voter; or
- (4) Unopened by reason of out-of-state voter registration by the voter.

The marked envelope must be returned to the person in charge of the election. A returned absentee ballot deemed ineligible may not be opened or counted. The casting of any such ballot, however, shall not invalidate the election."

On page 7, after line 32, of the Introduced bill, insert: "

Section 17. That § 12-19-49 be REPEALED:

~~If, prior to the casting of absentee ballots, the person in charge of the election or absentee ballot counting board shall have sufficient cause to believe that any voter who has marked and forwarded an absentee ballot has died prior to the opening of the polls on the date of the election, the ballot of the voter shall be returned in the sealed return envelope with the evidence of death attached and the envelope marked "Unopened by reason of death of voter" to the person in charge of the election. The casting of any such ballot, however, shall not invalidate the election."~~

On page 7, after line 32, of the Introduced bill, insert: "

Section 18. That § 12-19-54 be AMENDED:

12-19-54. No person may employ, reward, or compensate any person to assist voters based on the number of voters assisted. Nothing in this section prohibits any person from hiring a person paid on an hourly or salaried basis to assist voters. Any violation of this section is a Class-~~2~~1 misdemeanor.

"

On page 8, after line 1, of the Introduced bill, insert: "

Section 19. That § 12-19-55 be AMENDED:

12-19-55. No person may receive any wages, reward, or compensation for assisting voters based on the number of voters assisted. Nothing in this section prohibits any person from being employed on an hourly or salaried basis to assist voters. Any violation of this section is a Class-~~2~~1 misdemeanor.

"

On page 8, line 7, of the Introduced bill, after "disability." insert "

The person in charge of the election or their appointed designee may prefill an absentee ballot application for a voter who requests an application. "

On page 8, line 9, of the Introduced bill, delete "A county auditor" and insert " The person in charge of the election"

On page 8, line 10, of the Introduced bill, delete " county auditor's county" and insert " official's jurisdiction"

On page 8, line 11, of the Introduced bill, delete " through the mail or by being delivered by the voter voting by absentee ballot or by an authorized messenger" and insert " pursuant to § 12-19-7"

On page 8, line 17, of the Introduced bill, after "12-19-42" insert " , including a secured and monitored receptacle or container at the office of the individual in charge of the election"

On page 8, line 17, of the Introduced bill, after "12-19-42." insert " The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the requirements to ensure the security of the receptacle or container located at the office of the individual in charge of the election."

Moved by: Bartels

Second by: Drury

Action: Prevailed by voice vote

MOTION: DO PASS HB 1165 AS AMENDED

Moved by: Chase
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (11-2-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Hansen, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Healy and Lesmeister

HB 1166 : revise certain provisions related to the expense allowances of legislators.

Presented by: Representative Chris Karr (Handout(s) #1)

MOTION: AMEND HB 1166

1166B

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

Section 2. That § 3-9-1 be AMENDED:

3-9-1. On or before the first of July each year, the State Board of Finance may promulgate rules, pursuant to chapter 1-26, to fix a rate per mile which shall be paid to those operating privately owned automobiles and vehicles on state business. Any person using a privately owned automobile or motorcycle shall be reimbursed at the same rate per mile. However, if no state vehicle is equipped for the transportation of a person with special needs, a different rate per mile may be established. If no state vehicle is available and any person must use a privately owned automobile the reimbursement rate must be the business standard mileage rate authorized by the United States Internal Revenue Service. The rate may be changed during a fiscal year with the prior approval of the Legislative Interim Appropriations Committee. The state auditor shall issue warrants covering vehicle expenses at the rate specified by the State Board of Finance upon the sworn statement of the party using the vehicle."

Moved by: Chaffee
Second by: Hansen
Action: Prevailed by voice vote

MOTION: REFER HB 1166 TO HOUSE COMMITTEE ON APPROPRIATIONS AS AMENDED DO PASS

Moved by: Rehfeldt
Second by: Drury
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Hansen, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

HB 1152 : provide oversight regarding the exercise of gubernatorial emergency powers.

Presented by: Representative Tony Randolph

Proponents: Jordan D. Mason, State Freedom Caucus Network, Washington, DC

Opponents: Alan Vester, Governor's Office

MOTION: AMEND HB 1152

1152B

On page 2, line 29, of the Introduced bill, delete "continue " and insert "advise and consent to a continuation of "

Moved by: Chaffee

Second by: Drury

Action: Prevailed by voice vote

MOTION: TO TABLE HB 1152

Moved by: Chase

Second by: Bartels

Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Hansen

HB 1175 : update references to the Governor, lieutenant governor, and other persons.

Presented by: Representative Jess Olson

Proponents: Katie Hruska, Governor's Office

MOTION: DO PASS HB 1175

Moved by: Drury

Second by: Healy

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Hansen, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1175 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1179 : require members of the Legislature to attend a course on the federal and state constitutions.

Presented by: Representative Carl E. Perry

Proponents: Jordan D. Mason, State Freedom Caucus Network, Washington, DC

MOTION: DEFER HB 1179 TO THE 41ST LEGISLATIVE DAY

Moved by: Cammack
Second by: Drury
Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Bartels, Blare, Cammack, Chase, Drury, Hansen, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Chaffee

HB 1208 : prevent government entities from entering contracts with companies that promote certain economic boycotts.

Presented by: Representative Aaron Aylward

Proponents: Jordan D. Mason, State Freedom Caucus Network, Washington, DC
Nephi J. Cole, National Shooting Sports Foundation, Newtown, CT

Opponents: Karlton Adam, South Dakota Bankers Association, Pierre
Nathan Sanderson, South Dakota Retailers Association, Pierre
David Owen, South Dakota Chamber of Commerce & Industry, Pierre
Dean Krogman, Independent Community of Bankers of South Dakota, Watertown
Steve Willard, South Dakota Electric Utility Companies, Pierre
Debra Owen, Greater Sioux Falls Chamber of Commerce, Sioux Falls
Terra Larson, South Dakota Trust Association, Rapid City
Julie M. Johnson, self, Aberdeen
Yvonne Taylor, South Dakota Municipal League, Fort Pierre

MOTION: AMEND HB 1208

1208B

On page 1, line 10, of the Introduced bill, after "proprietorships" insert " or financial institutions insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration with less than one hundred billion dollars in total consolidated assets"

Moved by: Drury
Second by: Chaffee
Action: Prevailed by voice vote

MOTION: DEFER HB 1208 TO THE 41ST LEGISLATIVE DAY

Moved by: Chase
Second by: Wangsness
Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Hansen

HCR 6009 : Encouraging the Executive Board of the Legislature to establish a taskforce to address the standardization of outdoor emergency warning system activation policies.

Presented by: Representative Sue Peterson

Proponents: Debra Owen, Greater Sioux Falls Chamber of Commerce, Sioux Falls
Representative Randy Gross

Opponents: Tina Titze, Department of Public Safety

MOTION: AMEND HCR 6009

HCR6009B

On page 2, line 5, of the Introduced resolution, delete " leadership and regional vice presidents, the emergency managers from Sioux Falls, Rapid City, and Aberdeen, three" and insert a comma

On page 2, line 6, of the Introduced resolution, after "from" insert " small, medium, and large"

On page 2, line 7, of the Introduced resolution, after "from " insert "counties and "

On page 2, line 7, of the Introduced resolution, delete " with a population between five thousand and twenty-five thousand, and three emergency managers from communities with a population under five thousand" and insert ", representatives of federally recognized tribes in this state, and a representative of the South Dakota Firefighters Association"

Moved by: Healy

Second by: Drury

Action: Prevailed by voice vote

MOTION: DEFER HCR 6009 TO THE 41ST LEGISLATIVE DAY

Moved by: Cammack

Second by: Chase

Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Wangsness, and Mortenson

Voting No: Hansen, Reimer, and Rehfeldt

HB 1104 : require written consent for a third party to transmit a completed voter registration form.

Presented by: Representative Tina L. Mulally

Proponents: Jordan D. Mason, State Freedom Caucus Network, Washington, DC

Opponents: Deb Halverson, Lyman County Auditor, self, Kennebec
Tom Deadrick, Secretary of State
Dan Lusk, Department of Public Safety

MOTION: AMEND HB 1104

1104A

On page 1, line 1, of the Introduced bill, delete "for a third party to transmit a completed voter registration form" and insert "to register an individual to vote"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 12-4 be amended with a NEW SECTION:

No agency, department, state or local government employee or contractor of a state or local government shall automatically register to vote any eligible individual without first obtaining that individual's explicit, written consent to be registered to vote and that individual's completed state or federal voter registration form, as appropriate.

Section 2. That § 12-4-2 be AMENDED:

12-4-2. The county auditor has complete charge of maintaining and safeguarding the voter registration records in the county. The county auditor shall retain all voter registration records in the auditor's office in paper or electronic form. All such records shall be open to public inspection at all times during office hours, except pursuant to §§ 12-4-9 and 12-4-9.3.

Voter registration shall be conducted by each county auditor and municipal finance officer. Any agency, department, state or local government employee or contractor of a state or local government shall deliver by certified or registered mail, with a return receipt requested, any collected voter registration forms to the auditor of the county such person is registered. Voter registration shall be available at the secretary of state's office and at those locations which provide driver licenses; food stamps; temporary assistance for needy families; women, infants, and children nutrition program; medicaid; military recruitment; and assistance to the disabled as provided by the Department of Human Services. A violation of this section is a Class 2 misdemeanor.

"

Moved by: Hansen
Second by: Reimer
Action: Prevailed by voice vote

MOTION: DEFER HB 1104 TO THE 41ST LEGISLATIVE DAY

Moved by: Cammack
Second by: Wangsness
Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Bartels, Blare, Cammack, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Excused: Chaffee and Hansen

THE CHAIR DEFERRED HB 1105**THE CHAIR DEFERRED HB 1205****MOTION: ADJOURN**

Moved by: Drury
Second by: Chase
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair