

Committee: Senate State Affairs

Wednesday, February 07, 2024 10:00 AM

Roll Call

Present: Sen. Schoenbeck, Sen. Davis, Sen. Duhamel, Sen. Nesiba, Sen. Rohl,
Sen. Tobin, Sen. Deibert, Sen. Wheeler, and Sen. Crabtree

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Crabtree

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 05TH

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

SB 96 : prohibit the use of a deepfake to influence an election, to provide a penalty therefor, and to declare an emergency.

Presented by: Senator Liz Larson
Opponents: Steve Willard, South Dakota Broadcasters Association, Pierre
Justin G Smith, South Dakota NewsMedia Association, Brookings
Rick Weible, Self, Elkton
Michael Boyle, Self, Parkston, SD

MOTION: AMEND SB 96

96B

On page 1, line 14, of the Introduced bill, after "deepfake" insert " and does not include with the deepfake the disclosure described in section 6 of this Act"
On page 2, line 3, of the Introduced bill, delete "; or" and insert " and has made a good faith effort to establish that the depiction is not a deepfake;"
On page 2, line 8, of the Introduced bill, after "depicted" insert "; or
(4) An internet service provider, domain provider, cloud service provider, or other provider that hosts, receives, transmits, stores, or provides access or connection to a website, network, system, or other content on the internet that features a deepfake, to the extent that the provider acts in a merely technical, automatic, or intermediate nature"
On page 2, line 13, of the Introduced bill, after "deepfake." insert "
A person may be held liable by the State Board of Elections for violating section 2 of this Act without the appropriate disclosures and may be fined as follows:
(1) If the person commits the violation within five years of one or more prior convictions under this section, not more than ten thousand dollars;
(2) If the person commits the violation with the intent to cause violence or bodily harm, not more than five thousand dollars; or
(3) In all other cases, not more than one thousand dollars. "

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

MOTION: DO PASS SB 96 AS AMENDED

Moved by: Nesiba
Second by: Schoenbeck

Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Schoenbeck, Davis, Nesiba, Rohl, and Tobin

Voting No: Duhamel, Wheeler, and Crabtree

Excused: Deibert

SB 104 : make an appropriation to support the operations of the Phoenix Correspondence Commission.

Presented by: Senator Jim Stalzer

Opponents: Michael Boyle, Self, Parkston, SD
Ken Even, Self, Black Hawk
Leah Southwell, Self, Piedmont
Florence Thompson, Self, Caputa

MOTION: DEFER SB 104 TO THE 41ST LEGISLATIVE DAY

Moved by: Nesiba

Second by: Rohl

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

Voting Yes: Schoenbeck, Duhamel, Nesiba, Rohl, Tobin, Deibert, Wheeler, and Crabtree

Excused: Davis

SJR 508 : Applying for a convention of states under Article V of the Constitution of the United States, to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office for members of Congress and other federal officials.

Presented by: Senator Tom Pischke (Handout(s) 1)

Proponents: Shirlee Meier, Self, Sioux Falls (Handout(s) 2)
Seth Schoon, Self, White River
Rick Weible, Self, Elkton
Brenda Hudelson, Self, Sioux Falls
John James, Self, Rapid City

Opponents: Michael Boyle, Self, Parkston, SD
Ken Even, Self, Black Hawk
Scott Granville, Self, Pierre
Linda Schauer, Concerned Woman For America, Alexandria, VA
Peter Vodenka, Self, Piedmont
Leah Southwell, Self, Piedmont
Florence Thompson, Self, Caputa

MOTION: DEFER SJR 508 TO THE 41ST LEGISLATIVE DAY

Moved by: Duhamel

Second by: Nesiba

Action: Prevailed by Majority Members Elect (5-4-0-0)

Voting Yes: Schoenbeck, Duhamel, Nesiba, Deibert, and Crabtree

Voting No: Davis, Rohl, Tobin, and Wheeler

SJR 509 : Applying to the United States Congress under Article V of the United States Constitution to call for a convention for proposing an amendment to the constitution establishing congressional term limits.

Presented by: Senator Tom Pischke (Handout(s) 3)
Proponents: Aaron Dukette, Self, Washington DC
Opponents: Michael Boyle, Self, Parkston, SD
Ken Even, Self, Black Hawk
Scott Granville, Self, Pierre
Linda Schauer, Concerned Woman For America, Alexandria, VA (Handout(s) 4)
Peter Vodenka, Self, Piedmont
Leah Southwell, Self, Piedmont

MOTION: DEFER SJR 509 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Deibert
Action: Prevailed by Majority Members Elect (5-4-0-0)

Voting Yes: Schoenbeck, Duhamel, Nesiba, Deibert, and Wheeler

Voting No: Davis, Rohl, Tobin, and Crabtree

SJR 511 : Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, underscoring that an individual must be a citizen of the United States to be eligible to vote.

Presented by: Senator Julie Frye-Mueller (Handout(s) 5)
Proponents: Jack Tomczak, Self, Minneapolis

MOTION: DEFER SJR 511 TO THE 41ST LEGISLATIVE DAY

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

Voting Yes: Schoenbeck, Davis, Duhamel, Nesiba, Rohl, Tobin, Deibert, Wheeler, and Crabtree

MOTION: ADJOURN

Moved by: Wheeler
Second by: Deibert
Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ CASEY CRABTREE

Casey Crabtree, Chair