

Committee: Senate State Affairs

Wednesday, February 14, 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 WEDNESDAY, FEBRUARY 07TH

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

MOTION: TO INVOKE RULE 7-1.5. CONSIDERATION OF MATTERS NOT POSTED.

Moved by: Schoenbeck
Second by: Wheeler
Action: Prevailed by Two-Thirds Majority (9-0-0-0)

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

SB 107 : prohibit the dissemination of materially deceptive media without disclosure and to provide a penalty therefor.

MOTION: TO TABLE SB 107

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

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

HB 1161 : regulate the acceptance of a central bank digital currency.

Presented by: Senator David Wheeler
Proponents: Karlton Adam, South Dakota Bankers Association, Pierre
Nathan Sanderson, South Dakota Retailers Association, Pierre
Katie Hruska, Governor's Office
Terra Larson, South Dakota Trust Association, Rapid City
Justin G. Smith, Sioux Falls Area Chamber of Commerce, Sioux Falls
Debra Owen, South Dakota Chamber of Commerce & Industry, Pierre
Garth Wadsworth, Elevate Rapid City

MOTION: DO PASS HB 1161

Moved by: Duhamel
Second by: Tobin

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

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

Voting No: Nesiba

HB 1163 : amend provisions of the Uniform Commercial Code.

Presented by: Senator David Wheeler

Proponents: Nathan Sanderson, South Dakota Retailers Association, Pierre
Karlton Adam, South Dakota Bankers Association, Pierre
Dean Krogman, Independent Community of Bankers of South Dakota, Watertown
Justin G. Smith, Sioux Falls Area Chamber of Commerce, Sioux Falls
Katie Hruska, Governor's Office
Terra Larson, South Dakota Trust Association, Rapid City
Debra Owen, South Dakota Chamber of Commerce & Industry, Pierre
T.J. Nelson, Farm Credit Services of America, Omaha, NE
Garth Wadsworth, Elevate Rapid City

MOTION: DO PASS HB 1163

Moved by: Rohl

Second by: Davis

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

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

Excused: Deibert

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1163 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 213 : provide for the disclosure of a cast vote record as a public record and make an appropriation therefor.

Presented by: Senator Tom Pischke

Proponents: Rick Weible, Self, Elkton (Handout(s) 1)
Leah Anderson, Self, Sioux Falls
Jessica Pollema, Self, Sioux Falls
Gary Meyer, Self, Hartford
Cindy Meyer, Self, Hartford
Nicole Braithwait, Self, Spearfish

Opponents: Tom J. Deadrick, Secretary of State

MOTION: AMEND SB 213

213A

On page 3, line 31, of the Introduced bill, after "South " insert "Dakota "
On page 4, line 8, of the Introduced bill, after "returns." insert "

If fewer than ten thousand ballots are cast within the county for an election, that county's auditor is not required to make the cast vote record for that election open to the public."

On page 4, line 20, of the Introduced bill, after "4-8." delete "Section 6. This Act is effective beginning June 25, 2024."

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

MOTION: DEFER SB 213 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

SB 13 : revise the process for nominating candidates for lieutenant governor.

Presented by: Senator Lee Schoenbeck
Proponents: Pat Powers, Self, Brookings
Opponents: Senator Jim Mehlhaff
Brock Greenfield, Self, Pierre

MOTION: AMEND SB 13

13E

On page 1, line 1, of the Introduced bill, after "for" insert " the offices of"

On page 1, line 1, of the Introduced bill, after "governor" insert ", attorney general, and secretary of state"

On page 1, line 5, of the Introduced bill, delete " 5:00" and insert " five"

On page 1, line 7, of the Introduced bill, after "certification. " delete "The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, to prescribe the form for the certification of a candidate for lieutenant governor."

On page 1, line 15, of the Introduced bill, after "certified." insert " The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certification and withdrawal of a candidate for lieutenant governor."

On page 1, after line 15, of the Introduced bill, insert: "

Section 2. That § 12-5-17 be AMENDED:

12-5-17. Each political party shall hold a state convention in each even-numbered year for the purposes stated in § 12-5-21. The state central committee of each political party shall determine the time and place of the convention. The chair of the committee shall notify the secretary of state of the date and place of the convention at least ~~fifteen business days~~ prior to thirty days before the date chosen."

On page 1, line 18, of the Introduced bill, after "governor," delete " attorney general, secretary of state,"

On page 1, after line 23, of the Introduced bill, insert: "

Section 4. That a NEW SECTION be added to chapter 12-5:

If a political party is unable to nominate a candidate for the office of attorney general or secretary of state at the primary election, the political party may nominate a candidate for the office at the state convention."

On page 1, after line 23, of the Introduced bill, insert: "

Section 5. That § 12-5-25 be AMENDED:

12-5-25. A political party with alternative political status may nominate a candidate for United States Senate, United States House of Representatives, Governor, attorney general, secretary of state, and any legislative seat by convention, if the nomination is submitted with the proper documentation to the Office of the Secretary of State no later than ~~5:00~~ five p.m. central time on the second Tuesday in August, ~~of~~ in the year of the election.

A candidate registered with a political party with an alternative political status may choose, if allowed by the party bylaws, to participate in a primary election by submitting a candidate petition no later than the last Tuesday of March in accordance with § 12-5-1.4."

On page 1, after line 23, of the Introduced bill, insert: "

Section 6. That § 12-5-26 be AMENDED:

12-5-26. A new political party may nominate a candidate for United States Senate, United States House of Representatives, Governor, attorney general, secretary of state, and any legislative seat by convention, if the nomination is submitted with the proper documentation to the Office of the Secretary of State no later than ~~5:00~~ five p.m. central time on the second Tuesday in August, ~~of~~ in the year of the election."

On page 1, after line 23, of the Introduced bill, insert: "

Section 7. That § 12-6-7 be AMENDED:

12-6-7. A nominating petition may be composed of several sheets, ~~each.~~ Each sheet ~~shall~~ must have identical headings printed at the top and ~~shall~~ must be a self-contained sheet of paper. The petition for a candidate for the Legislature ~~shall designate~~ must specify the senatorial or representative district number and house for which the person is a candidate.

The petition for ~~party office or political public office for a state~~ a political party's gubernatorial or federal candidate ~~shall~~ must be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election ~~in the state.~~ The petition of a party's candidate for attorney general or secretary of state must be signed by not less than one-quarter of one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election or two hundred fifty qualified voters, whichever is greater. A petition for the Legislature, county party office, or county political public office ~~shall~~ must be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

If the party meets the requirement for alternative political status as defined in § 12-1-3.1, the petition for party office or political public office for a state or federal candidate ~~shall~~ must be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the state. A petition for the Legislature, county party office, or county political public office shall be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

If a county uses vote centers and does not print ballots by precinct, signature requirements are:

- (1) For both partisan and independent candidates, fifty signatures for a legislative candidate whose district either in whole or in part includes that county;

- (2) For a county candidate:
- (a) Partisan candidate petitions ~~shall~~ must be signed by the lesser of fifty signatures or signatures from one percent of the voters who voted for that party's gubernatorial candidate, or the party's statewide candidate receiving the highest votes if the party meets the requirement for alternative party status as defined in § 12-1-3.1, at the last gubernatorial election in the county electing a candidate to fill the office; or
- (b) Independent candidate petitions ~~shall~~ must be signed by not less than one percent of the total combined vote for Governor at the last certified election within the county electing a candidate to fill the office;
- (3) Half the number of signatures required under subdivision (2), for county commissioner district candidates;
- (4) Five signatures for a new party legislative candidate whose district either in whole or in part includes that county;
- (5) Five signatures for a new party county candidate; or
- (6) Three signatures for a new party county commissioner district candidate."

On page 1, after line 23, of the Introduced bill, insert: "

Section 8. That § 12-7-1 be AMENDED:

12-7-1. Any candidate for nonjudicial public office, except the office of lieutenant governor and as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing a certificate of nomination with the secretary of state or county auditor ~~as prescribed in the manner of filling nominating petitions as described in~~ by § 12-6-4, after December thirty-first ~~and by~~ but no later than five p.m. local time on the last Tuesday of April at 5:00 p.m. local time before the election. A certificate of nomination ~~shall~~ must be executed as provided in chapter 12-6. ~~If A certificate of nomination is timely submitted if~~ the certificate of nomination is mailed by registered mail ~~by no later than five p.m. local time on the last Tuesday of April at 5:00 p.m. local time~~ before the election, ~~it is timely submitted~~. The certificate of nomination ~~shall~~ must be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination."

On page 2, line 3, of the Introduced bill, delete " 5:00" and insert " five"

On page 2, line 4, of the Introduced bill, after "candidate" insert " for Governor"

On page 2, line 15, of the Introduced bill, after "certified." delete "The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certification for lieutenant governor."

On page 2, after line 16, of the Introduced bill, insert: "

Section 10. That § 12-25-28 be AMENDED:

12-25-28. Any candidate for the United States Senate, the United States House of Representatives, Governor, attorney general, secretary of state, circuit court judge, or the Legislature shall file a statement of financial interest with the secretary of state not more than fifteen days after filing the candidate's nominating petitions. Any Supreme Court justice shall file a statement of financial interest with the secretary of state not more than fifteen days following notice to the secretary of state of the justice's intention to place the justice's name on the retention ballot. A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor."

On page 2, after line 16, of the Introduced bill, insert: "

Section 11. That § 12-25-29 be AMENDED:

12-25-29. Any candidate for lieutenant governor, state treasurer, ~~attorney general,~~
~~secretary of state,~~ state auditor, public utilities commissioner, or
commissioner of school and public lands shall file a statement of financial
interest with the secretary of state not more than fifteen days after the
candidate's nomination is certified. A violation of this section is a petty
offense. Any intentional violation of this section is a Class 2 misdemeanor."

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

MOTION: DO PASS SB 13 AS AMENDED

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

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

SB 126 : improve agriculture in South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS SB 126

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

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

Excused: Tobin

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 126 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

SB 127 : improve education in South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS SB 127

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

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

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 127 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

SB 128 : improve public safety in South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS SB 128

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 128 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 129 : improve the workforce of South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS SB 129

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 129 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair