

Committee: Senate State Affairs

Wednesday, February 28, 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 FRIDAY, FEBRUARY 23RD

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

HB 1162 : revise certain provisions pertaining to time of school district elections.

Presented by: Representative Aaron Aylward
Proponents: T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL
Opponents: Jessica Filler, Associated School Boards of South Dakota, Pierre (Handout(s) 1)
Susan Kiepke, self, Mitchell
Thomas Oliva, Hughes County, Self, Pierre
Sheri Lund, Self, Canton
Julie Bartling, self, Gregory
Jackie Sieverding, self, Jefferson
Kalli Houchin, self, Kennebec
Traci Torrez, Self, Elkpoint

MOTION: DEFER HB 1162 TO THE 41ST LEGISLATIVE DAY

Moved by: Deibert
Second by: Nesiba
Action: Prevailed by Majority Members Elect (8-1-0-0)

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

Voting No: Crabtree

HB 1224 : require the creation of an informational video and other materials describing the state's abortion law and medical care for a pregnant woman experiencing life-threatening or health-threatening medical conditions.

Presented by: Senator Erin Tobin
Proponents: Melissa Magstadt, Department of Health
Ian Fury, Governor's Office
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Jessica LaMie, Attorney General
Ally Brandner, Sanford Health, Sioux Falls
Lisa Gennaro, Concerned Women for America, Alexandria, VA

Adam P. Schwend, Susan B. Anthony Pro-Life America, Arlington, VA
Debbie Pease, SD Family Voice Action, Rapid City
Tamara R Grove, Protecting South Dakota Kids Inc., Rapid City
Opponents: Samantha Chapman, American Civil Liberties Union Foundation Inc., NY

MOTION: DO PASS HB 1224

Moved by: Davis
Second by: Wheeler
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 1239 : prohibit the dissemination of incorrect or misleading ballot information and to provide a penalty therefor.

Presented by: Representative Bethany Soye (Handout(s) 2,3)
Proponents: Representative Scott Odenbach

MOTION: DEFER HB 1239 TO THE 41ST LEGISLATIVE DAY

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

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

HB 1244 : provide a process to withdraw a signature from a petition for an initiated measure, constitutional amendment, or a referendum on a law in certain situations and to declare an emergency.

Presented by: Senator Al Novstrup
Proponents: Representative Jon Hansen (Handout(s) 4,5)
Chris David, Self, Sioux Falls
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Debbie Pease, SD Family Voice Action, Rapid City
Opponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls (Handout(s) 6)
Mitch Richter, South Dakota Farmers Union, Huron
Linda Lea Viken, Self, Rapid City
Guy Larson, Self, Yankton
John Fiksdal, Self, Sioux Falls

MOTION: AMEND HB 1244

1244E

On page 1, line 16, of the Introduced bill, after "petition." insert "The individual's signature on the written statement must be witnessed and notarized by a notary public

commissioned in South Dakota or other officer authorized to administer oaths pursuant to § 18-3-1. "

On page 1, line 17, of the Introduced bill, delete " the time has expired to bring a challenge under § 2-1-17. 1 or 2-1-18, or if a challenge has been made under § 2-1-17. 1 or 2-1-18, then no later than the conclusion of any pretrial discovery related to the court's review of the validated petition" and insert " the petition from which the individual is submitting a written notification for withdrawal under this Act is filed and certified for placement on the next general election ballot under § 2-1-17"

On page 1, line 21, of the Introduced bill, after "hand," insert " or"

On page 1, line 21, of the Introduced bill, after "States" insert " registered"

On page 1, line 21, of the Introduced bill, after "mail" delete ", or e-mail"

On page 2, line 4, of the Introduced bill, delete " support of the state government and its existing public institutions" and insert " immediate preservation of the public peace, health, or safety"

Moved by: Rohl

Second by: Tobin

Action: Prevailed by voice vote

MOTION: AMEND HB 1244

1244G

On page 1, line 3, of the Introduced bill, after "situations" delete " and to declare an emergency"

On page 2, line 4, of the Introduced bill, after "challenge." delete "Section 3. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Nesiba

Action: Died for lack of a second

MOTION: AMEND HB 1244

1244F

On page 1, line 1, of the Introduced bill, after "a " insert "nominating petition or a "

On page 1, line 6, of the Introduced bill, after "a " insert "nominating petition or a "

On page 1, line 16, of the Introduced bill, after "signature " insert "from a petition to initiate a constitutional amendment or measure, or to refer a law "

On page 1, line 20, of the Introduced bill, after "petition." insert " For a written notification to withdraw a signature from a nominating petition to be valid under this section, an individual must submit the written notification to the secretary of state at any time before the last Tuesday in March. "

On page 1, line 24, of the Introduced bill, after "petition " insert "to initiate a constitutional amendment or measure, or to refer a law "

On page 1, line 24, of the Introduced bill, after "2-1-18, " insert "or if a challenge to a validated nominating petition is filed pursuant to § 12-1-13 or 12-1-16, "

Moved by: Nesiba

Action: Died for lack of a second

MOTION: DO PASS HB 1244 AS AMENDED

Moved by: Schoenbeck
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 1200 : increase the minimum fee required with an application for construction of an energy conversion and transmission facility.

Presented by: Gary Hanson, Public Utilities Commission, self, Pierre
Proponents: Steve Willard, South Dakota Electric Utility Companies, Pierre
Brett Koenecke, Avangrid Renewables LLC, Portland, OR
Matthew McCaulley, TC Energy, Wetonka, Canada

MOTION: AMEND HB 1200

1200B

On page 1, line 19, of the House State Affairs Engrossed bill, after "application." insert " In these circumstances, the commission must seek reimbursement for those costs, during the next regular legislative session."

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

MOTION: DO PASS HB 1200 AS AMENDED

Moved by: Schoenbeck
Second by: Rohl
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 1140 : improve the efficiency and administration of state government.

Presented by: Senator Casey Crabtree
Proponents: Eric Erickson, South Dakota Association of County Commissioners, Pierre
Yvonne Taylor, South Dakota Municipal League, Fort Pierre
Nathan Sanderson, South Dakota Retailers Association, Pierre

MOTION: AMEND HB 1140

1140D

On page 1, line 1, of the Introduced bill, delete "improve the efficiency and administration of state government" and insert " revise certain provisions relating to municipal

and county administrative actions and petitions containing illegal actions and to declare an emergency"

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

"

Section 1. That § 12-17B-3 be AMENDED:

12-17B-3. Any governing body having supervision of elections within any political subdivision may adopt, experiment with, or abandon any automatic tabulating or electronic ballot marking system approved for use by the State Board of Elections. Any governing body may use the system in all or some of the precincts within its jurisdiction or in combination with any other type of voting system approved for use by the State Board of Elections. Any determination by a governing body pursuant to this section must be made at the first meeting of the year and shall be considered an administrative action.

Section 2. That § 7-18A-13 be AMENDED:

7-18A-13. If a petition to initiate is filed with the auditor, the auditor shall present it to the board of county commissioners at its next regular or special meeting. ~~The~~ Unless the board determines the petition's proposed measure is in contravention of state or federal law, which determination may be appealed to circuit court in accordance with § 7-8-27, the board shall enact the proposed ordinance or resolution and shall submit it to a vote of the voters in the manner prescribed for a referendum within sixty days after the final enactment. However, if the petition is filed within three months prior to the primary or general election, the ordinance or resolution may be submitted at the primary or general election.

Section 3. That § 9-20-4 be AMENDED:

9-20-4. When a petition to initiate is filed with the finance officer, the finance officer shall present the petition to the governing body at its first ensuing regular or special meeting. ~~The~~ Unless the governing body determines the petition's proposed measure is in contravention of state or federal law, which determination may be appealed to circuit court in accordance with chapter 21-29 or 21-30, the governing body shall submit the petition to a vote of the voters in the manner prescribed for a referendum.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

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

MOTION: DO PASS HB 1140 AS AMENDED

Moved by: Nesiba
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

HB 1141 : improve public safety in South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS HB 1141

Moved by: Rohl
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 1142 : improve education and to provide for the workforce of South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS HB 1142

Moved by: Deibert
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 1143 : improve agriculture in South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS HB 1143

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

Doug Mortenson, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair