

Minutes: Senate State Affairs

Friday, February 07, 2025 10:00 AM

Roll Call

Present: Sen. Beal, Sen. Deibert, Sen. Jensen (Kevin), Sen. Karr, Sen. Larson, Sen. Peterson (Sue), Sen. Pischke, Sen. Perry, and Sen. Mehlhaff

The meeting was called to order by Senator Mehlhaff

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

Moved by: Perry
Second by: Pischke
Action: Prevailed by voice vote

SB 143 : modify the composition and staffing requirements of the South Dakota-Ireland Trade Commission.

Presented by: Senator Chris Karr
Proponents: Timothy Schoonhoven, Department of Agriculture and Natural Resources
Ryan Maher, Self, Former State Senator, Isabel

MOTION: DO PASS SB 143

Moved by: Pischke
Second by: Peterson (Sue)
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Beal, Deibert, Jensen (Kevin), Karr, Larson, Peterson (Sue), Pischke, Perry, and Mehlhaff

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

SB 125 : make reports produced by automatic tabulating equipment open to public inspection.

Presented by: Senator John Carley
Proponents: Rick Weible, Self, Elkton
Cindy Cooke, Self, Meade County
Cindy Meyer, Self, Hartford
Leah Anderson, Minnehaha County Auditor, Sioux Falls
Opponents: Rachel Soulek, Secretary of State
Sheri Lund, Lincoln County Auditor, self, Worthing
Thomas Oliva, Self, Hughes County Auditor, Pierre
LIndley Howard, Self, Lincoln County Auditor, Worthing

MOTION: AMEND SB 125

125A

On page 1, line 7, of the Introduced bill, after "equipment" insert " during testing"
On page 1, line 9, of the Introduced bill, after "12-17B-5;" insert " or"

On page 1, line 10, of the Introduced bill, after "election" delete "; or"
 On page 1, line 11, of the Introduced bill, after "or" delete "(3) A post-election audit required by this chapter"

Moved by: Peterson (Sue)
 Second by: Pischke
 Action: Prevailed by voice vote

MOTION: DEFER SB 125 TO THE 41ST LEGISLATIVE DAY

Moved by: Karr
 Second by: Deibert
 Action: Prevailed by Majority Members Elect (6-3-0-0)

Voting Yes: Beal, Deibert, Karr, Larson, Perry, and Mehlhaff

Voting No: Jensen (Kevin), Peterson (Sue), and Pischke

SB 113 : provide protections for parental rights.

Presented by: Senator Tamara Grove
 Proponents: Jordan Carpenter, Self, Alliance Defending Freedom, Scottsdale AZ
 Opponents: Richard Tieszen, South Dakota Sheriffs Association, Eureka
 Eric Erickson, South Dakota State's Attorneys Association, Sioux Falls
 Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
 Dean Krogman, State Medical Association SD, Sioux Falls
 Rob Monson, School Administrators of South Dakota, Pierre
 Heath Larson, Associated School Boards of South Dakota, Pierre
 Daniel Swartos, South Dakota High School Activities Association, Pierre

MOTION: AMEND SB 113

113A

On page 1, line 4, of the Introduced bill, after "1-1A:" delete "The liberty of a parent to the nurture, care, custody, and control of the parent's child, including the right to direct the upbringing, education, health care, and mental health of the child, is a fundamental right."

On page 1, line 7, of the Introduced bill, delete "All parental rights are exclusively reserved to a parent of a child, without obstruction by or interference from a state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions. These include the right and responsibility to:

- (1) Direct the upbringing of the child;
- (2) Direct the moral or religious training of the child;
- (3) Make all physical and mental healthcare decisions for the child and consent to, or withhold consent for, all physical and mental health care on the child's behalf;
- (4) Access and review all health information and medical records that relate to the child;
- (5) Direct the education of the child, including the right to choose public, private, religious, home school, and alternative instruction;
- (6) Make reasonable choices within the public school system for the education of the child;
- (7) Access and review all educational records of the child maintained by the school or school district;
- (8) Have the child excused from school attendance for religious or other purposes; and
- (9) Participate in parent-teacher organizations and other school organizations.

No state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions may infringe upon the fundamental right of a parent, unless the infringement is narrowly tailored to meet a compelling governmental interest by the least restrictive means, as provided by law.

This section constitutes a general law of the state within the meaning of S. D. Const. , Article IX, § 2 and supersedes any contrary provision in a home rule charter. Any person aggrieved by a violation of this section may file an action for damages, injunctive relief, or other appropriate redress in circuit court, or may assert such violation as a defense in a judicial or administrative proceeding. The plaintiff, if the prevailing party, may also recover reasonable attorney's fees and costs." and insert "

The liberty of a parent to the nurture, care, custody, and control of the parent's child is a fundamental right. An agency or officer of this state or an agency or officer of any political subdivision of this state may not infringe upon the fundamental right of a parent unless the infringement is narrowly tailored to meet a compelling governmental interest by the least restrictive means allowable by law. "

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

MOTION: DO PASS SB 113 AS AMENDED

Moved by: Perry
Second by: Peterson (Sue)
Action: Prevailed by Majority Members Elect (6-3-0-0)

Voting Yes: Jensen (Kevin), Karr, Peterson (Sue), Pischke, Perry, and Mehlhaff

Voting No: Beal, Deibert, and Larson

SB 173 : revise the process by which a recount may be requested.

Presented by: Senator David Wheeler
Proponents: Rachel Soulek, Secretary of State
Sheri Lund, Lincoln County Auditor, Worthing
Thomas Oliva, Self, Hughes County Auditor, Pierre

MOTION: DO PASS SB 173

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

Voting Yes: Beal, Deibert, Jensen (Kevin), Karr, Larson, Peterson (Sue), Pischke, Perry, and Mehlhaff

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 173 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

THE CHAIR DEFERRED SB 176 UNTIL ANOTHER DAY

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ JIM MEHLHAFF
Jim Mehlhaff, Chair