

Committee: Senate State Affairs

Wednesday, March 04, 2020 10:00 AM

Roll Call

Present: Sen. Bolin, Sen. Brock Greenfield, Sen. Heinert, Sen. Kennedy, Sen. Langer, Sen. Novstrup, Sen. Youngberg, Sen. Klumb, and Sen. Ewing

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Ewing**

**MOTION: TO APPROVE THE MINUTES OF MONDAY, MARCH 02<sup>ND</sup>**

Moved by: Klumb  
Second by: Langer  
Action: Prevailed by voice vote

**HB 1001 : repeal certain provisions regarding the organization of the Legislature.**

Presented by: Representative Steven Haugaard

**MOTION: TO TABLE HB 1001**

Moved by: Langer  
Second by: Bolin  
Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HB 1002 : revise certain provisions regarding documents of the Legislature.**

Presented by: Representative Steven Haugaard  
Proponents: Nathan Sanderson, SD Retailers Association

**MOTION: AMEND HB 1002**

1002D

On page 1, line 22, of the Introduced bill, after "delay--Waiver." delete "Section 4. That § 2-7-11 be REPEALED.

2-7-11. "

On page 2, line 1, of the Introduced bill, after "2-7-11. " delete "Time of delivery of permanent journals--Distribution and price. "

On page 2, after line 1, of the Introduced bill, insert "

**Section 4.** That § 2-7-11 be AMENDED:

2-7-11. Index and distribution of journals.

~~The contractor for printing Legislative Research Council shall prepare and include the journal indexes of the Legislature shall deliver them to the Legislative Research Council within ninety days after copy therefor has been furnished. The Legislative Research Council shall provide for the electronic distribution of the daily journals. Price and distribution of the journal indexes shall be~~

~~determined by a joint select committee of the Legislature at least two hours before the convening of the Legislature on the next legislative day.~~

"

On page 2, line 20, of the Introduced bill, after "before " insert "final disposition is taken on "

On page 2, line 20, of the Introduced bill, after "amendment " delete "is considered "

On page 3, after line 2, of the Introduced bill, insert "

**Section 9.** That § 2-16-10.2 be AMENDED:

2-16-10.2. South Dakota Codified Laws provided to Legislature--Codified Laws and Administrative Rules provided to legislators.

The Code Commission shall provide the Legislature with sets of the South Dakota Codified Laws. The Code Commission may provide each legislator with a copy of the South Dakota Codified Laws, the Administrative Rules of South Dakota and other information on a CD-ROM disc or other digital format. ~~An individual legislator may request one copy of the code identified in § 2-16-13.~~

"

Moved by: Langer

Second by: Youngberg

Action: Prevailed by voice vote

**MOTION: AMEND HB 1002**

1002F

On amendment (1002D),

On page 3, line 16, delete "on a CD-ROM disc or other" and insert " in a "

Moved by: Klumb

Second by: Kennedy

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1002 AS AMENDED**

Moved by: Klumb

Second by: Kennedy

Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1002 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1003 : repeal certain provisions regarding legislative employees.**

Presented by: Representative Steven Hugaard

**MOTION: TO TABLE HB 1003**

Moved by: Langer

Second by: Kennedy

Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HB 1004 : provide for the defense of laws by the Legislature.**

Presented by: Representative Steven Haugaard  
 Opponents: Justin Bell, Bureau of Administration  
 Others: Jessica Filler, Bureau of Administration

**MOTION: AMEND HB 1004**

1004E

On page 1, line 1, of the House State Affairs bill, delete "laws " and insert "the establishment of any legislative district "

On page 1, line 7, of the House State Affairs bill, after "§ 5." delete "Section 2. That a NEW SECTION be added:

"

On page 1, line 8, of the House State Affairs bill, after "added:" delete "Employment of legal counsel by Legislature--Purposes--Process."

On page 1, line 8, of the House State Affairs bill, after "Legislature--Purposes--Process." delete "

(1) The Legislature may employ legal counsel other than the attorney general if the attorney general declines to:

(a) Defend the Legislature in any civil action; or

(b) Otherwise defend the Legislature, either house of the Legislature, any member of the Legislature who is sued in that member's official capacity, or any individual who is sued in that individual's capacity as an agent of the Legislature in any court of this state or of the United States.

(2) Employment of legal counsel under this section must be authorized by:

(a) A vote of a majority of the members of the Executive Board of the Legislative Research Council; or

(b) Concurrent resolution adopted by both houses of the Legislature."

On page 1, line 20, of the House State Affairs bill, after "Legislature." delete "Section 3. That § 4-8A-17 be AMENDED:

"

On page 1, line 21, of the House State Affairs bill, after "AMENDED:" delete "4-8A-17. "

On page 1, line 21, of the House State Affairs bill, after "4-8A-17. " delete "Legislative priority pilot program contingency fund created. "

On page 1, line 21, of the House State Affairs bill, after "created. " delete "

On June 29, 2015, the state treasurer shall transfer to the legislative priority pilot program contingency fund, which is hereby created, the sum of one million dollars (\$1,000,000) from the South Dakota risk pool fund created by § 58-17-120. The contingency funds are to be made available in accordance with the provisions of §§ 4-8A-9, 4-8A-10, 4-8A-11, and 4-8A-12. The contingency funds shall be used to fund legislative priority pilot programs and the cost of employment of legal counsel under § 2-18-2. Interest earned on money in the fund shall be deposited into the general fund."

Moved by: Brock Greenfield

Second by: Langer

Action: Prevailed by voice vote

**MOTION: DEFER HB 1004 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Heinert

Second by: Youngberg

Action: Prevailed by roll call vote (6-3-0-0)

Voting Yes: Bolin, Heinert, Kennedy, Langer, Youngberg, and Ewing

Voting No: Brock Greenfield, Novstrup, and Klumb

**HB 1266 : prohibit collective bargaining by employees of the Board of Regents.**

Presented by: Representative Scyller Borglum

**MOTION: TO TABLE HB 1266**

Moved by: Kennedy

Second by: Langer

Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HB 1277 : prevent trafficking, coercion, and exploitation that occurs under the guise of obscene content.**

Presented by: Representative Isaac Latterell

Proponents: Norman Woods, Family Heritage Alliance Action

**MOTION: AMEND HB 1277**

1277G

On page 1, line 7, of the House State Affairs bill, delete "No " and insert "In the absence of a contract authorized under this section or a contract executed prior to July 1, 2020 that is neither prohibited by federal law nor avoided, rescinded, unlawful or void under the provisions of title 53, no "

On page 1, line 7, of the House State Affairs bill, after "face " insert "or likeness "

On page 1, line 8, of the House State Affairs bill, delete "may " and insert "has the right to "

On page 1, line 9, of the House State Affairs bill, delete ". With the exception of a contract authorized under this section, the" and insert ", and this"

On page 1, line 10, of the House State Affairs bill, after "right" delete " of the person to receive revenue under this section"

On page 1, line 19, of the House State Affairs bill, after "assign " delete "her right to receive "

On page 1, line 19, of the House State Affairs bill, delete "the " and insert "that person's right to "

On page 1, line 19, of the House State Affairs bill, after "revenue " delete "she is entitled to receive under this section "

On page 1, line 24, of the House State Affairs bill, after "face " insert "or likeness "

On page 1, line 25, of the House State Affairs bill, delete " violates the person's rights under" and insert " receives or attempts to receive revenue in violation of"

On page 2, line 2, of the House State Affairs bill, after "dollars;" insert " and"

On page 2, line 3, of the House State Affairs bill, delete "Attorney " and insert "Attorney's "

On page 2, line 3, of the House State Affairs bill, after "fees" insert ", costs, and disbursements as allowed by § 15-6-54(d)"

On page 2, line 4, of the House State Affairs bill, delete "Costs and disbursements" and insert "Punitive damages"

On page 2, line 4, of the House State Affairs bill, delete "law" and insert " § 21-3-2"

On page 2, line 4, of the House State Affairs bill, after "law. " insert "

In an action brought under this section, the court may grant additional relief, including injunctive relief and declaratory relief.

This section does not affect a right or remedy available under law of this state other than this section."

On page 2, after line 4, of the House State Affairs bill, insert "

**Section 2.** That a NEW SECTION be added:

22-24-69.1. Plaintiff privacy.

In an action under § 22-24-69:

- (1) The court may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff under § 15-15-11;
- (2) A plaintiff to whom paragraph (1) applies shall file with the court and serve on the defendant a confidential information form that includes the excluded or redacted plaintiff's name and other identifying characteristics; and
- (3) The court may make further orders as necessary to protect the identity and privacy of a plaintiff.

"

Moved by: Brock Greenfield  
 Second by: Klumb  
 Action: Prevailed by voice vote

**MOTION: DO PASS HB 1277 AS AMENDED**

Moved by: Brock Greenfield  
 Second by: Klumb  
 Action: Prevailed by roll call vote (9-0-0-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Youngberg, Klumb, and Ewing

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1277 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**The following were recommended as possible interim study topics, but no formal action was taken.**

Senator Greenfield - Commercial Surrogacy Issue

Senator Bolin - Ellsworth Issue

Senator Youngberg \_ B21 Bomber Issue

Senator Heinert- Redistricting Issue

**MOTION: RECONSIDER HB 1266**

Moved by: Langer  
 Second by: Bolin  
 Action: Prevailed by roll call vote (8-0-1-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Klumb, and Ewing

Excused: Youngberg

**MOTION: AMEND HB 1266**

1266A

On page 1, line 1, of the Introduced bill, delete "prohibit collective bargaining by employees of the Board of Regents" and insert " enhance education in South Dakota"

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

"

**Section 1.** Education in South Dakota is hereby enhanced.

"

Moved by: Langer  
Second by: Brock Greenfield  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1266 AS AMENDED**

Moved by: Brock Greenfield  
Second by: Klumb  
Action: Prevailed by roll call vote (8-0-1-0)

Voting Yes: Bolin, Brock Greenfield, Heinert, Kennedy, Langer, Novstrup, Klumb, and Ewing

Excused: Youngberg

**MOTION: ADJOURN**

Moved by: Klumb  
Second by: Novstrup  
Action: Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

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/s/ BOB EWING  
Bob Ewing, Chair