

2024 South Dakota Legislature | February 9, 2024

## State of the State Address

Governor Kristi Noem kicked off the 99<sup>th</sup> South Dakota Legislative Session with her sixth State of the State Address on Tuesday, January 9, 2024. The Governor strayed from customary State of the State remarks, where typical addresses centered around legislative priorities like strengthening the economy or job creation and focused her remarks on the Top Ten things that prove Freedom Works Here. They are:

- #10 Freedom to keep and bear arms;
- #9 Freedom to enjoy the outdoors;
- #8 Freedom to farm and ranch;
- #7 Freedom to be secure;
- #6 Freedom for a second chance;
- #5 Freedom to be respected;
- #4 Freedom to learn;
- #3 Freedom to be healthy;
- #2 Freedom for life;
- #1 Freedom to work

Embedded in her address were references to several initiatives we may see during this legislative session such as: ongoing recruitment of gun and ammunition businesses; ongoing access to public hunting opportunities for South Dakotans; repeal the expiration of reduction in gross receipts and use tax rates; securing agricultural land from foreign adversaries; advancing new prison facilities for both men and women; relationship building with the tribal communities and legislation clarifying antisemitism as an unfair or discriminatory practice; greater support of South Dakota's educators; greater EMS access to all South Dakotans rural or urban; care programs for moms and babies before birth; and after and career opportunities for all South Dakotans.

After the fifth week and the 21st day there have been a total of 478 legislative bills filed this session. Now, the stage is set, as the bill introduction deadline was January 31<sup>st</sup>.

The next notable date is February 21<sup>st</sup>, known as **Crossover Day**. This is the last day to pass bills or joint resolutions by the house of origin.

Updates on bills we have been tracking can be viewed below.

## Legislative News

**HB 1118:** An Act to revise unclaimed property provisions. This bill was recently introduced by Representative Tony Venhuizen (D-13 R) to require all operational expenses for unclaimed property to be paid from the general appropriations in the general appropriations act. This bill is scheduled for a hearing on February 6<sup>th</sup>. The SDBA will continue to monitor.

**SB 38:** An Act to amend the amount a merchant or place of business may assess against returned checks. This bill was introduced by Senator Michael Rohl (D-1 R) that allows a merchant or place of business to post a notice stating that a fee will be assessed against returned checks. The change to this statute increases the fee from \$40 to \$60. This bill passed the Senate Commerce and Energy Committee with a 9-0 vote, and subsequently passed out of the Senate 29-0. The House Commerce and Energy Committee passed this measure out of committee on with a 12-1 and the full House with a 50-16 vote. Having passed both bodies, this measure was delivered to the Governor and signed on February 5<sup>th</sup>.

**SB 58:** An Act to revise provisions regarding money transmission. This bill had its first reading in the Senate Commerce and Energy Committee and was introduced by the SD Department of Labor and Regulation, at the request of the Director of Banking. This is a repeal and replace bill to remove inefficiencies from the process of licensing and supervision of money transmitters. It implements a model law developed between the state and industry to achieve a higher degree of coordination

between states. Banks remain exempt under this model language. After the introduction of this bill, the SD Division of Banking offered an amendment to clarify certain provisions of this measure and was introduced as amendment 58B. This bill passed the Senate Commerce and Energy with an 8-0 vote and the Senate floor vote of 29-2 and had its first reading before the House Commerce and Energy Committee. The SDBA is monitoring.

**SB 95:** An Act to exempt one motor vehicle of a debtor from being taken by the legal process. This bill recently introduced by Senator Liz Larson (D-10 D) provides an additional carve out for one motor vehicle, not to exceed five-thousand dollars would be exempt for each debtor. This bill has been assigned to the Senate Judiciary Committee and had its first reading. This bill will be heard on February 13<sup>th</sup>. The SDBA will oppose this measure.

**HB 1161:** An Act to regulate the acceptance of a central bank digital currency (CBDC). This bill was brought by the SDBA with Representative Mike Stevens (D-18 R) as its prime sponsor in the House and Senator David Wheeler (D-22 R) as prime sponsor in the Senate. This measure is intended to prohibit the state of South Dakota from accepting a central bank digital currency as a form of payment. The genesis of this bill stems from the debate regarding the adoption of the 2022 Amendments to the UCC during the 2023 legislative session. This bill hearing was February 2<sup>nd</sup> and passed out of House State Affairs with a 13-0 vote. This measure was placed on the consent calendar and passed the House with a vote of 64-1. This bill has been read in the Senate State Affairs Committee and a hearing is expected the week of February 12. The SDBA testified in support of this measure.

**HB 1163:** An Act to Amend the provisions of the Uniform Commercial Code (UCC). This measure was initiated by the SD Retailers and the SD Chamber, along with support from a number of South Dakota business lobbies including the SDBA. This bill is to amend the provisions to update the UCC regarding digital assets. Representative Mike Stevens (D-18 R) is the House prime sponsor with Senator David Wheeler (D-22 R) as prime sponsor in the Senate. This bill has been assigned to the House State Affairs Committee. This bill hearing was held February 2<sup>nd</sup> and passed out of the House

State Affairs Committee with a 12-1 vote. This measure was debated on the House floor on February 5<sup>th</sup> and passed out of the House with a 44-21 vote. We anticipate a hearing before the Senate State Affairs Committee the week of February 12<sup>th</sup>. The SDBA is supportive of this measure.

**SCR 603:** This concurrent resolution opposes the adoption and development of a central bank digital currency. This resolution serves as an additional point of emphasis in support of HB 1161, an Act to regulate the acceptance of a central bank digital currency (CBDC). SCR 603 passed in the Senate Commerce and Energy Committee with an 8-1 vote. The SDBA testified in support of this measure.

**HB 1199:** An Act to repeal certain provisions of the Uniform Commercial Code. This bill was introduced by Representative Auch (D-18 R) and intends to repeal language specific to Article 8 of the UCC that deals with investment securities. This measure was heard before the House State Affairs Committee on February 7<sup>th</sup> and was defeated by a 11-1 vote, sending this bill to the 41<sup>st</sup> day, killing this bill. The SDBA testified in opposition to this measure.

**HB 1247:** An Act to provide consumer protection through fair access to financial and insurance products and services. This bill was introduced by Representative Auch (D-18 R) intends to protect consumers from discrimination by financial institutions based on unsafe and unsound practices. This bill has been assigned to the House Commerce and Energy Committee. No hearing date has been set at this time. The SDBA will oppose this bill.

**SB 211:** An Act to revise notarial acts. This bill was introduced by Senator Wheeler (D-22 R) and intends to allow for any document to be recorded or filed in a register of deeds office to include electronic signatures executed and notarized in accordance with requirements in the bill. The SDBA testified in favor of this bill and it passed out of Senate Judiciary with a 7-0 vote and placed on the consent calendar, and passed the Senate 33-0. This measure will be heard in the House Committee on Judiciary. The SDBA testified in support of this measure.

**HB 1231:** An Act to place restrictions on the ownership of agricultural land. This bill was introduced by Representative Wangsness (D-23 R) and intends to place restrictions on ownership of ag land by foreign entities that are known adversaries of the United States. This bill has been assigned to the House Agriculture and Natural Resources Committee and passed out of committee with a 12-0 vote. The SDBA is monitoring currently.

This summary concludes week five of the 99<sup>th</sup> legislative session in Pierre.

To learn more and remain “engaged” about the 2024 legislative session, visit the LRC webpage at [sdlegislature.gov](https://sdlegislature.gov). The legislature provides live and archived audio of committee hearings plus Senate and House floor debates. To access both the live audio feed and archived audio files, visit [sd.net](https://sd.net)

For specific “**Calls to Action**” and to effectively send an email to a specific Senator or Representative, go to <https://sdlegislature.gov/Legislators/Contacts/69> and click on a legislator’s email address. Legislators are inundated with emails, so to make sure your voice is heard, only contact legislators who represent your district and note you're one of their constituents. [Check here](#) to find your district number and the names of the legislators from your district.

We hope you can join us this Wednesday, February 14th in Pierre for the 2024 SDBA State Legislative Day. Go to [sdba.com](https://sdba.com) and register today!

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