

# *JOURNAL OF THE SENATE*

## *ONE HUNDREDTH SESSION*

---

TWENTIETH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, February 12, 2025

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by Senate page Andrew Johnson.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 19th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Chris Karr, Chair

Which motion prevailed.

1 The oath of office was administered by the President to Legislative Page Audrey Patterson.  
 2 Which was subscribed to and placed on file in the office of the Secretary of State.

3 **SIGNING OF BILLS**

4 The President publicly read the title to

5 **SB 81:** FOR AN ACT ENTITLED, An Act to prohibit the use of a firearms code for transactions  
 6 involving firearms, accessories, components, and ammunition and to provide a civil penalty therefor.

7 **HB 1028:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue  
 8 Code.

9 And signed the same in the presence of the Senate.

10 **REPORTS OF STANDING COMMITTEES**

11 MR. PRESIDENT:

12 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
 13 **SB 185** and returns the same with the recommendation that said bill be amended as follows:

14 185B

15 On page 1, line 1, of the Introduced bill, after "amend" insert " provisions pertaining to"

16 On page 1, line 1, of the Introduced bill, delete " address" and insert " qualifications"

17 On page 1, line 1, of the Introduced bill, delete " is" and insert " are"

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

19 **Section 1. That a NEW SECTION be added to chapter 12-4:**

20 The secretary of state, a county auditor, or any individual registered as a voter of this state  
 21 may file an application for the correction of any precinct registration list or a challenge of the right  
 22 to vote of any registered voter not later than the thirtieth day before the day of a primary, runoff,  
 23 special, or general election. The application for correction may only challenge whether the individual:

24 (1) Is disqualified from voting, pursuant to 12-4-18;

25 (2) Is deceased;

26 (3) Has voted or has registered to vote in another state; or

27 (4) Is a resident of this state, pursuant to § 12-1-4."

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

29 **Section 2. That a NEW SECTION be added to chapter 12-4:**

30 To file an application for correction, the individual must sign and file an affidavit attesting that,  
 31 to the best of the individual's personal knowledge and belief, having exercised due diligence to

1 personally verify the evidence presented, the challenged voter is not qualified to vote based on one  
2 of the reasons set forth in section 1 of this Act.

3 The individual must provide the factual basis for filing the application, including the information  
4 required by this section, in the signed affidavit. The application may not be based on an unsupported  
5 allegation or the allegation of an anonymous third party. The application must be in a form  
6 prescribed by the State Board of Elections, and must contain the:

7 (1) Name of the challenged individual;

8 (2) Address of the challenged individual;

9 (3) Name of the individual filing the application;

10 (4) Address, phone number and email address of the individual filing the application;

11 (5) Date of the affidavit; and

12 (6) Reason for the challenge, pursuant to section 1 of this Act.

13 The individual who files the application shall include documented evidence related to the  
14 challenge as an attachment to the affidavit. An individual's social security number, driver license  
15 number, South Dakota nondriver identification card number, passport number, or contact  
16 information, may not be made public as part of a challenge."

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

18 **Section 3. That a NEW SECTION be added to chapter 12-4:**

19 If a county auditor receives an application for correction, pursuant to section 2 of this Act, and,  
20 after researching the voter, determines the affidavit is a valid challenge, the auditor must send a  
21 nonforwardable, return-if-undeliverable address verification request to the voter named in the  
22 application.

23 The verification request must be returned to the auditor within fourteen days and must include  
24 documentation sufficient to demonstrate the voter's qualifications as a registered voter. The voter  
25 named in the application may request a hearing before the county auditor to demonstrate the voter's  
26 qualifications as a registered voter. If the voter fails to produce documentation sufficient to  
27 demonstrate the voter's qualifications, the county auditor must cancel the individual's voter  
28 registration.

29 The county auditor may not cancel the voter registration of an individual challenged pursuant  
30 to subdivisions (3) or (4) of section 1 of this Act, within the ninety days immediately prior to the  
31 date of an election."

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

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

34 If a voter's registration is canceled, pursuant to section 3 of this Act, the voter may appeal the  
35 auditor's decision to the board of county commissioners or circuit court. Any decision of the board  
36 may be appealed to the circuit court."

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

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

39 Records of an application of correction filed pursuant to section 2 must be retained by the  
40 county auditor for at least twenty-two months. Thereafter, if the auditor chooses to destroy the  
41 records, the records must be destroyed in a secure manner."

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

2 **Section 6. That § 12-4-54 be AMENDED:**

3 **12-4-54.** By March first of each year, the secretary of state shall submit a report to the State  
 4 Board of Elections providing the number of voters removed from a county's voter registration list  
 5 ~~from during~~ the previous year due to inactivity, death, felony conviction, mental incompetence, ~~or~~  
 6 relocation to another jurisdiction, or as the result of an application for correction, pursuant to section  
 7 2 of this Act.

8 The content of the report must be published on the official website of the secretary of state."

9 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION  
 10 be added to chapter 12-4:"

11 On page 1, line 4, of the Introduced bill, after "12-4:" delete "The county auditor must send a  
 12 nonforwardable, return-if-undeliverable address verification request to a voter in the active  
 13 registration file if the auditor receives an affidavit from the owner of a property who attests that an  
 14 individual in the active registration file is:

15 (1) Registered as a voter at the address of the owner's property; and

16 (2) Does not live at the address.

17 If the auditor receives an affidavit, pursuant to this section, and, after researching the voter,  
 18 determines the affidavit is a valid challenge to the voter's registration address, the county auditor  
 19 must send the address verification request within two days of receiving the affidavit."

20 On page 1, line 14, of the Introduced bill, after "affidavit." delete "Section 2. That a NEW  
 21 SECTION be added to chapter 12-4:"

22 On page 1, line 15, of the Introduced bill, after "12-4:" delete "If an address verification request  
 23 sent to a registered voter upon receipt of an affidavit, pursuant to subdivision 12-4-19(2), is not  
 24 returned to the county auditor within the stated time limit, or is returned as undeliverable, the  
 25 county auditor must cancel the individual's voter registration."

26 And that as so amended, **SB 185** do pass.

27 Also MR. PRESIDENT:

28 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
 29 **SB 218** and returns the same with the recommendation that said bill be amended as follows:

30 218B

31 On page 2, after line 33, of the Introduced bill, insert: "

32 **Section 5. That a NEW SECTION be added to chapter 12-19:**

33 If an individual applies to register as a voter of this state using only the address of a commercial  
 34 mail receiving agency, mail forwarding service, or other post office box as the individual's residence  
 35 address, without providing a description of the location of the individual's habitation, the individual  
 36 does not meet the requirements to be a resident of this state for the purposes of this title, and may  
 37 be registered only as a national voter. If an individual does not meet the requirements to be a  
 38 resident of this state but is eligible to vote pursuant to this section, the county auditor must indicate  
 39 that the individual is eligible to vote only as a national voter.

40 The county auditor shall prepare a ballot that lists only the names of the candidates for United  
 41 States senator, United States representative, and president and vice president of the United States,  
 42 as certified by the secretary of state pursuant to § 12-8-8, and the names of the presidential electors

1 designated for each candidate. The county auditor or member of the precinct election board shall  
2 provide the ballot to any individual who has been designated as a national voter, by the county  
3 auditor.

4 For the purposes of this section, "national voter" means an individual who is eligible to vote in  
5 elections for presidential electors, United States senator, or United States representative at a  
6 primary, runoff, special, or general election."

7 On page 2, after line 33, of the Introduced bill, insert: "

8 **Section 6. That a NEW SECTION be added to chapter 12-20:**

9 The ballot of a national voter, as defined in section 2 of this Act, must be counted with the  
10 resident voter ballots of the precinct where the national voter is registered, or in an absentee  
11 precinct."

12 And that as so amended, **SB 218** do pass.

13 Also MR. PRESIDENT:

14 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
15 **SB 192** and returns the same with the recommendation that said bill do pass.

16 Also MR. PRESIDENT:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
18 **SB 217** which was deferred to the 41st Legislative Day.

19 Respectfully submitted,  
20 Jim Mehlhaff, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Transportation respectfully reports that it has had under  
23 consideration **SB 165** which was tabled.

24 Also MR. PRESIDENT:

25 The Committee on Senate Transportation respectfully reports that it has had under  
26 consideration **HB 1121** and returns the same with the recommendation that said bill do pass.

27 Also MR. PRESIDENT:

28 The Committee on Senate Transportation respectfully reports that it has had under  
29 consideration **HB 1125** and returns the same with the recommendation that said bill do pass, and  
30 having been certified as uncontested, be placed on the consent calendar.

31 Respectfully submitted,  
32 Randy Deibert, Chair

33 MR. PRESIDENT:

34 The Committee on Senate Health and Human Services respectfully reports that it has had  
35 under consideration **SB 126** with the recommendation that said bill be referred to the Senate  
36 Committee on Appropriations with a Do Pass recommendation.

1 Also MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had  
 3 under consideration **SCR 607** and returns the same with the recommendation that said resolution  
 4 be adopted.

5 Also MR. PRESIDENT:

6 The Committee on Senate Health and Human Services respectfully reports that it has had  
 7 under consideration **HB 1056** and returns the same with the recommendation that said bill do pass,  
 8 and having been certified as uncontested, be placed on the consent calendar.

9  
 10 Respectfully submitted,  
 Kevin D. Jensen, Chair

11 MR. PRESIDENT:

12 The Committee on Senate Local Government respectfully reports that it has had under  
 13 consideration **SB 167** and returns the same with the recommendation that said bill be amended as  
 14 follows:

15 167A

16 On page 7, line 19, of the Introduced bill, delete " § 9-8-7" and insert " section 28 of this Act"

17 On page 9, line 23, of the Introduced bill, remove the overstrikes from "A majority of"

18 On page 9, line 23, of the Introduced bill, after "of" insert " all"

19 On page 9, line 23, of the Introduced bill, remove the overstrikes from " the aldermen  
 20 constitutes a quorum to do business. When"

21 On page 9, line 23, of the Introduced bill, after "When" delete "Unless"

22 On page 10, line 12, of the Introduced bill, after "tempore" insert ", as provided in section 28  
 23 of this Act,"

24 On page 10, line 16, of the Introduced bill, after "ends." delete "

25 The mayor pro tempore shall perform the mayor’s duties, except that the mayor pro tempore  
 26 may not appoint, employ, or remove appointive officers without approval of the council.

27 The mayor pro tempore acts as the presiding officer of the council, but the mayor pro tempore  
 28 may only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie  
 29 vote.

30 For purposes of this section "appointive officers" are municipal employees or members of a  
 31 board, commission, committee, or similar body that the mayor has the authority to appoint, with or  
 32 without the approval of the council."

33 On page 10, after line 25, of the Introduced bill, insert: "

34 **Section 28. That a NEW SECTION be added to chapter 9-8:**

35 The mayor pro tempore shall perform the mayor’s duties, except that the mayor pro tempore  
 36 may not appoint, employ, or remove appointive officers without approval of the council.

1 The mayor pro tempore acts as the presiding officer of the council, but the mayor pro tempore  
 2 may only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie  
 3 vote.

4 For purposes of this section "appointive officers" are municipal employees or members of a  
 5 board, commission, committee, or similar body that the mayor has the authority to appoint, with or  
 6 without the approval of the council."

7 On page 12, line 17, of the Introduced bill, remove the overstrikes from "A majority of"

8 On page 12, line 17, of the Introduced bill, after "of" insert " all the commissioners on"

9 On page 12, line 17, of the Introduced bill, remove the overstrikes from " the board"

10 On page 12, line 17, of the Introduced bill, after "board" insert " of commissioners"

11 On page 12, line 17, of the Introduced bill, remove the overstrikes from " constitutes a quorum  
 12 to do business. If "

13 On page 12, line 17, of the Introduced bill, after "If " delete "Unless "

14 On page 12, line 18, of the Introduced bill, after "board" delete " of commissioners"

15 On page 12, line 19, of the Introduced bill, after "of" insert " all"

16 On page 12, line 19, of the Introduced bill, remove the overstrikes from " the remaining  
 17 commissioners"

18 On page 12, line 19, of the Introduced bill, after "commissioners" delete " all the members"

19 On page 13, line 14, of the Introduced bill, after "property." delete "Section 36. That § 9-9-18  
 20 be AMENDED:"

21 On page 13, line 15, of the Introduced bill, after "AMENDED:" delete "9-9-18. "

22 On page 13, line 15, of the Introduced bill, after "9-9-18. " delete "In a municipality governed  
 23 by a board of five commissioners, the commissioners shall designate, by a majority vote of all the  
 24 commissioners, one commissioner to be the commissioner of public safety, one commissioner to be  
 25 the commissioner of public works, one commissioner to be the commissioner of utilities, and one  
 26 commissioner to be the commissioner of finance and revenue."

27 On page 17, line 16, of the Introduced bill, after "members" insert " of the governing body"

28 On page 17, line 17, of the Introduced bill, delete " council" and insert " governing body"

29 167B

30 On page 6, line 25, of the Introduced bill, after "9-13." delete "Section 18. That a NEW SECTION  
 31 be added to chapter 9-7:"

32 On page 6, line 26, of the Introduced bill, after "9-7:" delete "The board of trustees has the  
 33 authority to summon and compel the attendance of witnesses and the production of books and  
 34 papers, if necessary for the effective discharge of the board's duties. Any process necessary to  
 35 enforce the powers conferred by this section must be signed by the president of the board, attested  
 36 by the finance officer, and served by a municipal law enforcement officer or by the sheriff of the  
 37 county."

38 On page 10, line 26, of the Introduced bill, after "council." delete "Section 28. That a NEW  
 39 SECTION be added to chapter 9-8:"

1 On page 10, line 27, of the Introduced bill, after "9-8:" delete "The council has the authority  
 2 to summon and compel the attendance of witnesses and the production of books and papers, if it is  
 3 necessary for the effective discharge of the council's duties. Any process necessary to enforce the  
 4 powers conferred by this section must be signed by the mayor, attested by the finance officer, and  
 5 served by a municipal law enforcement officer or the sheriff of the county."

6 And that as so amended, **SB 167** do pass, and having been certified as uncontested, be placed  
 7 on the consent calendar.

8 Also MR. PRESIDENT:

9 The Committee on Senate Local Government respectfully reports that it has had under  
 10 consideration **HB 1072** and returns the same with the recommendation that said bill do pass.

11 Respectfully submitted,  
 12 Tim S. Reed, Chair

13 MR. PRESIDENT:

14 The Committee on Legislative Procedure respectfully reports that **SB 12** was delivered to his  
 15 Excellency, the Governor, for his approval at 10:20 a.m., February 12, 2025.

16 Also MR. PRESIDENT:

17 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
 18 Enrolling has carefully compared **SB 81** and finds the same correctly enrolled.

19 Respectfully submitted,  
 20 Chris Karr, Chair

21 **MESSAGES FROM THE HOUSE**

22 MR. PRESIDENT:

23 I have the honor to transmit herewith **HB 1021, 1057, and 1096** which have passed the  
 24 House and your favorable consideration is respectfully requested.

25 Also MR. PRESIDENT:

26 I have the honor to return herewith **SB 81** which has passed the House without change.

27 Respectfully submitted,  
 28 Patricia Miller, Chief Clerk

29 **MOTIONS AND RESOLUTIONS**

30 Sen. Karr moved that JR 5-11.1 be suspended for the purpose of reconsidering the vote by  
 31 which **SB 24** lost.

32 The question being on Sen. Karr's motion that the rules be suspended for the purpose of  
 33 reconsidering the vote by which **SB 24** lost.



1 And the roll being called:

2 Yeas 31, Nays 4, Excused 0, Absent 0

3 Yeas: Beal, Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Hulse, Jensen  
 4 (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry,  
 5 Peterson (Sue), Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Wheeler, and Zikmund

6 Nays: Carley, Howard, Pischke, and Voita

7 So the motion having received an affirmative vote of a two-thirds majority of the members-  
 8 elect, the President declared the motion carried, and the rules were suspended.

9 Sen. Karr moved that the motion for reconsidering the vote by which **SB 24** lost be taken from  
 10 the table and that **SB 24** be up for reconsideration and final passage.

11 The question being on Sen. Karr's motion that the motion for reconsidering the vote by which  
 12 **SB 24** lost be taken from the table and that **SB 24** be up for reconsideration and final passage.

13 And the roll being called:

14 Yeas 30, Nays 5, Excused 0, Absent 0

15 Yeas: Beal, Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Hulse, Jensen  
 16 (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson  
 17 (Sue), Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Wheeler, and Zikmund

18 Nays: Carley, Howard, Marty, Pischke, and Voita

19 So the motion having received an affirmative vote of a majority of the members-elect, the  
 20 President declared the motion carried, and **SB 24** was up for reconsideration and final passage.

21 **SB 24: FOR AN ACT ENTITLED, An Act to revise provisions relating to the promulgation of**  
 22 **rules to set licensing and inspection fees for plumbers and related professions.**

23 Having had its second reading was up for reconsideration and final passage.

24 The question being "Shall **SB 24** pass?"

25 And the roll being called:

26 Yeas 25, Nays 10, Excused 0, Absent 0

27 Yeas: Beal, Blanc, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Jensen (Kevin), Karr, Kolbeck  
 28 (Steve), Lapka, Larson, Mehlhaff, Miskimins, Nelson, Otten, Perry, Reed, Sauder, Schoenfish, Smith,  
 29 Vilhauer, Wheeler, and Zikmund

30 Nays: Carley, Crabtree, Howard, Hulse, Marty, Peterson (Sue), Pischke, Rohl, Voight, and Voita

31 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
 32 the President declared the bill passed and the title was agreed to.

33 Yesterday, Sen. Hulse announced her intention to reconsider the vote by which **SB 27** lost.

34 Sen. Hulse moved that the Senate do now reconsider the vote by which **SB 27** lost.

1 And the roll being called:

2 Yeas 33, Nays 2, Excused 0, Absent 0

3 Yeas: Beal, Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Hulse, Jensen  
 4 (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry,  
 5 Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler,  
 6 and Zikmund

7 Nays: Carley and Howard

8 So the motion having received an affirmative vote of a majority of the members-elect, the  
 9 President declared the motion carried and **SB 27** was up for reconsideration and final passage.

10 **SB 27**: FOR AN ACT ENTITLED, An Act to revise provisions relating to licensing fees for  
 11 cosmetology, esthetics, and nail technology.

12 Having had its second reading was up for reconsideration and final passage.

13 The question being "Shall **SB 27** pass?"

14 And the roll being called:

15 Yeas 31, Nays 4, Excused 0, Absent 0

16 Yeas: Beal, Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Hulse, Jensen  
 17 (Kevin), Karr, Kolbeck (Steve), Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson  
 18 (Sue), Pischke, Reed, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and Zikmund

19 Nays: Carley, Howard, Lapka, and Rohl

20 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
 21 the President declared the bill passed and the title was agreed to.

22 Yesterday, Sen. Kolbeck (Steve) announced his intention to reconsider the vote by which  
 23 **SB 31** lost.

24 Sen. Kolbeck (Steve) moved that the Senate do now reconsider the vote by which **SB 31** lost.

25 And the roll being called:

26 Yeas 34, Nays 1, Excused 0, Absent 0

27 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Hulse,  
 28 Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten,  
 29 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita,  
 30 Wheeler, and Zikmund

31 Nays: Howard

32 So the motion having received an affirmative vote of a majority of the members-elect, the  
 33 President declared the motion carried and **SB 31** was up for reconsideration and final passage.

1 **SB 31**: FOR AN ACT ENTITLED, An Act to revise amounts for inspection fees for electrical  
 2 installations.

3 Having had its second reading was up for reconsideration and final passage.

4 The question being "Shall **SB 31** pass?"

5 And the roll being called:

6 Yeas 27, Nays 8, Excused 0, Absent 0

7 Yeas: Beal, Blanc, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Jensen (Kevin), Karr, Kolbeck  
 8 (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Reed, Sauder, Schoenfish,  
 9 Smith, Vilhauer, Voight, Wheeler, and Zikmund

10 Nays: Carley, Crabtree, Howard, Hulse, Peterson (Sue), Pischke, Rohl, and Voita

11 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
 12 the President declared the bill passed and the title was agreed to.

13 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
 14 Thursday, February 13, 2025, the 21<sup>st</sup> legislative day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Sen. Mehlhaff moved that the reports of the Standing Committees on

18 Judiciary on **SB 62** as found on page 227 of the Senate Journal; also

19 Judiciary on **SB 63** as found on page 229 of the Senate Journal; also

20 Education on **SB 190** as found on page 224 of the Senate Journal; also

21 Education on **SB 196** as found on page 225 of the Senate Journal be adopted.

22 Which motion prevailed and the reports were adopted.

23 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

24 The Senate proceeded to the consideration of the executive appointment of Jesse Longbrake  
 25 of Ziebach County, Dupree, SD, to the State Brand Board (SJ 173).

26 The question being "Does the Senate advise and consent to the executive appointment of Jesse  
 27 Longbrake?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,  
 2 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,  
 3 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,  
 4 Voita, Wheeler, and Zikmund

5 So the question having received an affirmative vote of a majority of the members-elect, the  
 6 President declared the appointment confirmed.

7 The Senate proceeded to the consideration of the executive appointment of Josef L. Fiala of  
 8 Hand County, Miller, SD, to the position of Commissioner of the Governor's Office of Economic  
 9 Development (SJ 170).

10 The question being "Does the Senate advise and consent to the executive appointment of  
 11 Josef L. Fiala?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,  
 15 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,  
 16 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,  
 17 Voita, Wheeler, and Zikmund

18 So the question having received an affirmative vote of a majority of the members-elect, the  
 19 President declared the appointment confirmed.

20 The Senate proceeded to the consideration of the executive reappointment of Scott Vance of  
 21 Meade County, Faith, SD, to the State Brand Board (SJ 173).

22 The question being "Does the Senate advise and consent to the executive reappointment of  
 23 Scott Vance?"

24 And the roll being called:

25 Yeas 29, Nays 6, Excused 0, Absent 0

26 Yeas: Beal, Blanc, Carley, Crabtree, Deibert, Duhamel, Foster, Grove, Howard, Karr, Kolbeck  
 27 (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Reed,  
 28 Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voita, Wheeler, and Zikmund

29 Nays: Davis, Hohn, Hulse, Jensen (Kevin), Pischke, and Voight

30 So the question having received an affirmative vote of a majority of the members-elect, the  
 31 President declared the reappointment confirmed.

32 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

33 The President declared that **SB 162** and **SB 197** were withdrawn at the request of the prime  
 34 sponsors pursuant to JR 6B-1.1.

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**FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

**HB 1021:** FOR AN ACT ENTITLED, An Act to modify the annual fee for concentrated animal feeding operations and to establish an application fee.

**HB 1057:** FOR AN ACT ENTITLED, An Act to transfer moneys from the South Dakota-bred racing fund to the special racing revolving fund.

**HB 1096:** FOR AN ACT ENTITLED, An Act to prohibit eligibility for a suspended imposition of sentence for certain rape offenses.

Were read the first time.

**SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS**

Sen. Karr requested that **SB 176** be removed from the Consent Calendar.

**SB 91:** FOR AN ACT ENTITLED, An Act to revise the requirements for a petition to initiate a measure or constitutional amendment or to refer a law.

**SB 110:** FOR AN ACT ENTITLED, An Act to revise licensure and supervision requirements for physical therapists and physical therapist assistants.

**SB 170:** FOR AN ACT ENTITLED, An Act to authorize the South Dakota State Brand Board to enter a memorandum of understanding with any Indian tribe for the investigation of cattle theft.

**SB 179:** FOR AN ACT ENTITLED, An Act to modify requirements for off-road vehicle dealers at special events.

The executive reappointment of Reed Kessler of Brown County, Aberdeen, SD, to the Board of Economic Development (SJ 170).

The executive reappointment of Sharon Casey of Brule County, Chamberlain, SD, to the Board of Economic Development (SJ 171).

The executive reappointment of Thomas Jones of Lincoln County, Sioux Falls, SD, to the Board of Economic Development (SJ 171).

Were read the second time.

The question being "Shall **SB 91, 110, and 179** pass as amended, and **SB 170** pass, and does the Senate advise and consent to the executive reappointments of Reed Kessler, Sharon Casey, and Thomas Jones?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and Zikmund

So the bills and reappointments having received an affirmative vote of a majority of the members-elect, the President declared the bills passed, the titles were agreed to and the reappointments confirmed.

1

**SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2

**SB 94:** FOR AN ACT ENTITLED, An Act to require presidential electors to vote for the candidate receiving the highest number of votes in the state's general election.

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Was read the second time.

5

Sen. Hulse moved that **SB 94** be amended as follows:

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94A

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On page 1, line 1, of the Introduced bill, delete "require presidential electors to vote for the candidate receiving the highest number of votes in the state's general election." and insert "amend provisions pertaining to the duties of presidential electors."

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On page 1, after line 3, of the Introduced bill, insert: "

11

**Section 1. That a NEW SECTION be added to chapter 12-24:**

12

The office of presidential elector becomes vacant if the elector:

13

(1) Dies;

14

(2) Resigns;

15

(3) Fails to qualify, as provided by law; or

16

(4) Fails to appear at the designated time and place of the meeting.

17

An elector may resign the office of presidential elector by submitting a letter of resignation to the secretary of state."

18

19

On page 1, after line 3, of the Introduced bill, insert: "

20

**Section 2. That § 12-24-2 be AMENDED:**

21

12-24-2. If a vacancy occurs before the meeting of the electors, the chair of the political party that nominated the elector must immediately select a replacement and file the selection with the secretary of state.

22

23

24

If any an elector named in the Governor's certificate fails to appear before nine o'clock in the morning of the day of election of President and vice president as aforesaid, the electors there present shall immediately proceed to elect by ballot, in the presence of the Governor, a person to fill such must immediately elect, by ballot, an individual to fill the vacancy. If more than one person voted for to fill such vacancy shall have the highest and individual receives an equal number of votes, the Governor, in the presence of the electors attending, shall decide by lot which of such persons shall be elected must, in the presence of the remaining electors, name one of the individuals receiving an equal number of votes to fill the vacancy. If the Governor is not present or is one of the remaining electors, the secretary of state must name the individual to fill the vacancy."

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On page 1, after line 3, of the Introduced bill, insert: "

34

**Section 3. That § 12-24-3 be AMENDED:**

35

12-24-3. Immediately after such the choice of elector is made, the name of the person so chosen shall forthwith individual chosen to fill the vacancy must be certified to the Governor by the electors making such the choice; and the. The Governor shall cause notice to be immediately given, in writing, to the elector individual chosen to fill such the vacancy; and the person so chosen shall

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38

1 ~~be an elector and. If the Governor is not present, the secretary of state shall notify the individual~~  
 2 ~~chosen to fill the vacancy.~~

3 ~~The individual chosen to fill the vacancy shall meet the other electors at the same time and~~  
 4 ~~place, and then and there discharge all and singular set forth in § 12-24-1 to discharge~~ the duties  
 5 ~~enjoined upon him the individual~~ as an elector, by the Constitution and laws of the United States  
 6 and of this state."

7 On page 1, line 7, of the Introduced bill, after "election." insert "

8 An elector vacates the office of presidential elector if the elector:

9 (1) Refuses to vote; or

10 (2) Attempts to vote for any candidate other than the candidate receiving the highest number  
 11 of votes in this state's general election.

12 If the office of presidential elector becomes vacant pursuant to this section, the remaining  
 13 electors present must fill the vacancy in the same manner as provided in § 12-24-2."

14 Which motion prevailed.

15 The question being "Shall **SB 94** pass as amended?"

16 And the roll being called:

17 Yeas 33, Nays 2, Excused 0, Absent 0

18 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,  
 19 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten,  
 20 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler,  
 21 and Zikmund

22 Nays: Larson and Smith

23 So the bill having received an affirmative vote of a majority of the members-elect, the President  
 24 declared the bill passed and the title was agreed to.

25 **SB 100:** FOR AN ACT ENTITLED, An Act to prohibit the imposition of restrictions on the carrying  
 26 of a concealed pistol and other items of self-defense while on the campus of a public institution of  
 27 higher education.

28 Was read the second time.

29 Sen. Voita moved that **SB 100** be amended as follows:

100E

31 On page 1, line 1, of the Introduced bill, delete "prohibit " and insert "limit "

32 On page 1, line 6, of the Introduced bill, delete "Neither " and insert "Except as otherwise  
 33 provided in section 2 of this Act, neither "

34 On page 1, line 10, of the Introduced bill, after "individual" insert " holding an enhanced permit,  
 35 a restricted enhanced permit, or a reciprocal permit in accordance with chapter 23-7,"

36 On page 1, after line 17, of the Introduced bill, insert: "

**Section 2. That a NEW SECTION be added to chapter 13-39A:**

The South Dakota Board of Technical Education or an institution under the control of the board may restrict or limit the lawful carrying or possession of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act:

(1) In a clearly designated portion of a building or structure, only if any of the following are present:

(a) More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R. § 1910.106 (January 1, 2025);

(b) Significant quantities of hazardous materials classified as Category 3 or higher by the 704 Hazard Identification System of the National Fire Protection Association;

(c) K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer gases classified as Category 2 or higher by the 704 Hazard Identification System of the National Fire Protection Association;

(d) L-size cylinders of acetylene gas; or

(e) Magnetic resonance imaging equipment or nuclear magnetic resonance equipment;

(2) In a room used for manufacturing or scientific research, if the concentration of airborne particles is controlled in order to maintain an environment with minimal pollutants;

(3) In a clearly designated portion of a building or structure to which a facility security clearance applies or for which a federal security clearance is required; or

(4) In a building or structure during a special event, provided metal detectors and armed security personnel are present at every public entrance to restrict the possession of any dangerous weapon.

Whenever an individual is not carrying or in possession of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act, the individual shall store the item in a locked case or safe.

Nothing in this section may be construed to prohibit, restrict, or limit the lawful carrying of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act, beyond that which is necessary to maintain safety, security, or cleanliness within the designated area. "

On page 1, line 19, of the Introduced bill, delete "Neither " and insert "Except as otherwise provided in section 4 of this Act, neither "

On page 1, line 22, of the Introduced bill, after "individual" insert " holding an enhanced permit, a restricted enhanced permit, or a reciprocal permit in accordance with chapter 23-7,"

On page 2, after line 6, of the Introduced bill, insert: "

**Section 4. That a NEW SECTION be added to chapter 13-53:**

The Board of Regents or an institution under the control of the board may restrict or limit the lawful carrying or possession of any item referenced in subdivision (1), (2), or (3) of section 3 of this Act:

(1) In a clearly designated portion of a building or structure, only if any of the following are present:

(a) More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R. § 1910.106 (January 1, 2025);



- 1 (b) Significant quantities of hazardous materials classified as Category 3 or higher by
- 2 the 704 Hazard Identification System of the National Fire Protection Association;
- 3 (c) K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer gases
- 4 classified as Category 2 or higher by the 704 Hazard Identification System of
- 5 the National Fire Protection Association;
- 6 (d) L-size cylinders of acetylene gas; or
- 7 (e) Magnetic resonance imaging equipment or nuclear magnetic resonance equipment;
- 8 (2) In a room used for manufacturing or scientific research, if the concentration of airborne
- 9 particles is controlled in order to maintain an environment with minimal pollutants;
- 10 (3) In a clearly designated portion of a building or structure to which a facility security clearance
- 11 applies or for which a federal security clearance is required; or
- 12 (4) In a building or structure during a special event, provided metal detectors and armed
- 13 security personnel are present at every public entrance to restrict the possession of any
- 14 dangerous weapon.

15 Whenever an individual is not carrying or in possession of any item referenced in subdivision  
 16 (1), (2), or (3) of section 3 of this Act, the individual shall store the item in a locked case or safe.

17 Nothing in this section may be construed to prohibit, restrict, or limit the lawful carrying of any  
 18 item referenced in subdivision (1), (2), or (3) of section 3 of this Act, beyond that which is necessary  
 19 to maintain safety, security, or cleanliness within the designated area. "

20 Which motion prevailed.

21 The question being "Shall **SB 100** pass as amended?"

22 And the roll being called:

23 Yeas 33, Nays 2, Excused 0, Absent 0

24 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,  
 25 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten,  
 26 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler,  
 27 and Zikmund

28 Nays: Larson and Smith

29 So the bill having received an affirmative vote of a majority of the members-elect, the President  
 30 declared the bill passed and the title was agreed to.

31 There being no objection, the Senate reverted to Order of Business No. 8 - Motions and  
 32 Resolutions.

33 **MOTIONS AND RESOLUTIONS**

34 Sen. Mehlhaff moved that the balance of the calendar including **SB 111 and 177** be deferred  
 35 to Thursday, February 13, 2025, the 21<sup>st</sup> legislative day.

36 Which motion prevailed.

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1           Sen. Davis moved that the Senate do now adjourn, which motion prevailed and at 3:50 p.m.  
2 the Senate adjourned.

3

Peggy Laurenz, Secretary