

Minutes: House State Affairs

Monday, March 03, 2025 7:30 AM

Roll Call

Present: Rep. Bahmuller, Rep. Emery, Rep. Gosch, Rep. Hansen, Rep. Healy, Rep. Heinemann, Rep. Jamison, Rep. Lems, Rep. Reisch, Rep. Schaeffbauer, Rep. Soye, Rep. Overweg, and Rep. Odenbach

The meeting was called to order by Representative Odenbach

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 26TH

Moved by: Overweg
Second by: Hansen
Action: Prevailed by voice vote

SB 198 : establish conditions a prospective condemnor must satisfy before commencing condemnation proceedings.

Presented by: Senator Jim Mehlhaff
Proponents: Matthew McCaulley, South Dakota Ethanol Producers Association, Onida
Opponents: Amanda Radke, Self, Mitchell (Handout(s) #1)
Chase Jensen, Dakota Rural Action, Brookings
Troy Larson, Lewis & Clark Regional Water System, Tea
Ed Fischbach, Self, Mellette
Florence K. Thompson, SD Citizens for Liberty, Rapid City
Chet Ellsworth, Self, Rapid City (Handout(s) #2)
Darla Pollman Rogers, South Dakota Rural Electric Association, Pierre
Michael Boyle, Self, Parkston
Lindsey Riter-Rapp, South Dakota Association of Rural Water Systems, Madison
Megan Tschetter, Self, Hartford
Kari Black, Self, Tea/Madison
Linda Shauer, Concerned Women of America Legislative Action Committee
Lora Zwart, Self, Colman

MOTION: DEFER SB 198 TO THE 41ST LEGISLATIVE DAY

Moved by: Overweg
Second by: Hansen
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Bahmuller, Emery, Gosch, Hansen, Heinemann, Jamison, Lems, Reisch, Schaeffbauer, Soye, Overweg, and Odenbach

Excused: Healy

SB 91 : revise the requirements for a petition to initiate a measure or constitutional amendment or to refer a law.

Presented by: Senator Amber Hulse (Handout(s) #3)
Proponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls

MOTION: AMEND SB 91

91C

On page 4, line 19, of the Senate State Affairs Engrossed bill, after "title" delete " and explanation"

On page 4, line 19, of the Senate State Affairs Engrossed bill, after "law" delete " as prepared by the attorney general, pursuant to § 13-13-9"

On page 4, line 24, of the Senate State Affairs Engrossed bill, after "font;

(4)" delete "Contain the fiscal note, if any, obtained pursuant to § 2-9-32; in fourteen-point font;"

On page 4, line 26, of the Senate State Affairs Engrossed bill, after "font;" delete "(5) "

On page 4, line 29, of the Senate State Affairs Engrossed bill, remove the overstrikes from "(5)"

On page 4, line 29, of the Senate State Affairs Engrossed bill, after "and (5)" delete "(6)"

Moved by: Hansen
Second by: Overweg
Action: Prevailed by voice vote

MOTION: AMEND SB 91

91D

On page 4, line 4, of the Senate State Affairs Engrossed bill, delete " May" and insert " February"

Moved by: Hansen
Second by: Gosch
Action: Prevailed by voice vote

MOTION: DO PASS SB 91 AS AMENDED

Moved by: Bahmuller
Second by: Gosch
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Bahmuller, Emery, Gosch, Hansen, Heinemann, Jamison, Lems, Reisch, Schaeffbauer, Soye, Overweg, and Odenbach

Excused: Healy

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 91 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 92 : require that the director of the Legislative Research Council and the secretary of state review an initiated measure and determine if the measure embraces more than one subject.

Presented by: Senator Amber Hulse
Proponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls

Chase Jensen, Dakota Rural Action, Brookings
T.J. Nelson, FGA Action, Tallahassee, FL

MOTION: DO PASS SB 92

Moved by: Overweg
Second by: Gosch
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Bahmuller, Emery, Gosch, Hansen, Heinemann, Jamison, Lems, Reisch,
Schaeffbauer, Soye, Overweg, and Odenbach

Excused: Healy

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 92 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 94 : amend provisions pertaining to the duties of presidential electors.

Presented by: Senator Amber Hulse
Proponents: David Weinberg, Protect Democracy United, Washington, D.C.
Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls

MOTION: AMEND SB 94

94B

On page 1, after line 2, of the Senate Engrossed bill, insert: "
Section 1. That a NEW SECTION be added to chapter 12-5:

Each presidential elector nominated pursuant to § 12-5-21, shall execute the following pledge upon nomination: "If selected for the position of presidential elector, I agree to serve and to mark my ballots for President and vice president for the nominees for those offices of the party that nominated me." The executed pledges must accompany the submission of the corresponding names to the secretary of state."

On page 1, after line 2, of the Senate Engrossed bill, insert: "
Section 2. That a NEW SECTION be added to chapter 12-7:

Each presidential elector of an unaffiliated or independent presidential candidate shall execute the following pledge upon nomination: "If selected for the position of elector as a nominee of an unaffiliated or independent presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate." The executed pledges must accompany the submission of the corresponding names to the secretary of state."

On page 1, after line 2, of the Senate Engrossed bill, insert: "
Section 3. That § 12-24-1 be AMENDED:

~~12-24-1. Each~~ Before eleven a.m. on the day designated by Congress to elect a President and vice president of the United States, each elector of President and vice president of the United States shall, before the hour of eleven o'clock in the morning of

~~the day fixed by the act of Congress to elect a President and vice president, give notice to shall notify the Governor that ~~he is at the~~ elector is:~~

~~(1) At the seat of government and ready at the proper time; and~~

~~(2) Ready to perform the duties of an elector; and the.~~

Upon receipt of the notice, the Governor shall forthwith deliver to the electors present a certificate of all the names of the electors."

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

Section 4. That a NEW SECTION be added to chapter 12-24:

At least six days before the day designated by Congress for the meeting of the electors, the Governor shall issue a certificate of ascertainment of appointment. The Governor shall certify the names of the electors chosen at the general election and that the electors will serve as electors unless a vacancy occurs in the office of elector pursuant to section 6 of this Act.

If a vacancy occurs in the office of elector after the Governor issues the certificate of ascertainment and a replacement is selected pursuant to § 12-24-2, the Governor, or in the absence of the Governor, the secretary of state, must immediately create and submit a new certificate of ascertainment stating the names of the final list of the state's electors in accordance with 3 U.S.C. § 5 (January 1, 2025).

Any final certificate of vote must be signed by each elector on the final list and must be immediately transmitted with the final certificate of ascertainment pursuant to 3 U.S.C. §§ 9 to 11, inclusive (January 1, 2025)."

On page 1, line 7, of the Senate Engrossed bill, delete " o'clock in the morning of" and insert " a.m. on"

On page 1, line 16, of the Senate Engrossed bill, delete " the individual" and insert " one of the individuals receiving an equal number of votes"

On page 1, line 16, of the Senate Engrossed bill, after "vacancy." insert "

If two electors named in the Governor's certificate fail to appear before nine a. m. on the day of election of President and vice president, the Governor, or in the absence of the Governor, the secretary of state, must immediately appoint an elector. Upon appointment, the electors must immediately elect, by ballot, an individual to fill the remaining vacancy, in accordance with this section.

If no electors named in the Governor's certificate appear before nine a. m. on the day of election of President and vice president, the Governor, or in the absence of the Governor, the secretary of state, must immediately appoint an elector. Upon appointment, the elector must immediately appoint a second elector. Upon the appointment of the second elector, the electors must immediately elect, by ballot, an individual to fill the remaining vacancy, in accordance with this section. "

On page 1, line 21, of the Senate Engrossed bill, after "law;" delete " or"

On page 1, line 22, of the Senate Engrossed bill, after "meeting" insert ";

(5) Refuses to vote;

(6) Attempts to cast a blank ballot; or

(7) Except as provided for in section 9 of this Act, attempts to vote for any candidate other than the candidate receiving the highest number of votes in this state's general election"

On page 1, line 23, of the Senate Engrossed bill, after "meeting." insert "If a presidential elector casts a ballot that results in the elector's position becoming vacant, the ballot may not be accepted or counted. "

On page 2, after line 11, of the Senate Engrossed bill, insert: "

Section 8. That § 12-24-4 be AMENDED:

12-24-4. ~~The~~ At twelve p.m. on the day which is designated by Congress to elect a President and vice president of the United States, the electors of President and vice president shall, ~~at twelve noon on the day which is or may be directed by the Congress of the United States,~~ meet at the seat of government of this state and ~~then and there~~ perform the duties enjoined upon them by the Constitution and laws of the United States.

Excepted as provided in section 9 of this Act, each elector of President and vice president of the United States, from this state, shall vote for the candidates for the office of President and vice president receiving the highest number of votes in this state's general election."

On page 2, after line 11, of the Senate Engrossed bill, insert: "

Section 9. That a NEW SECTION be added to chapter 12-24:

If, between the date of the general election and the date when the electors cast the votes for President and vice president of the United States, a candidate for the office of President or vice president receiving the highest number of votes in this state's general election withdraws, dies or, because of a permanent disability, becomes unable to discharge the powers and duties of the office to which the candidate is elected, each elector of President and vice president of the United States from this state, must vote for the replacement candidate nominated according to the bylaws of the party to which the previous candidate belonged. "

On page 2, line 12, of the Senate Engrossed bill, after "state." delete "Section 4. That a NEW SECTION be added to chapter 12-24:"

On page 2, line 13, of the Senate Engrossed bill, after "12-24:" delete "Each elector of President and vice president of the United States, from this state, shall vote for the candidates for the office of president and vice president receiving the highest number of votes in this state's general election.

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

On page 2, line 17, of the Senate Engrossed bill, after "elector:" delete "(1) Refuses to vote; or

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

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

Moved by: Bahmuller

Second by: Reisch

Action: Prevailed by Majority Members Elect (7-5-1-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Reisch, and Overweg

Voting No: Emery, Lems, Schaeffbauer, Soye, and Odenbach

Excused: Healy

MOTION: DO PASS SB 94 AS AMENDED

Moved by: Gosch

Second by: Bahmuller

Action: Failed by Majority Members Elect (3-9-1-0)

Voting Yes: Bahmuller, Gosch, and Reisch

Voting No: Emery, Hansen, Heinemann, Jamison, Lems, Schaeftbauer, Soye, Overweg, and Odenbach

Excused: Healy

MOTION: DEFER SB 94 TO THE 41ST LEGISLATIVE DAY

Moved by: Overweg

Second by: Hansen

Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Emery, Hansen, Heinemann, Jamison, Lems, Reisch, Schaeftbauer, Soye, Overweg, and Odenbach

Voting No: Bahmuller and Gosch

Excused: Healy

SB 185 : amend provisions pertaining to the process by which the qualifications of a registered voter are verified.

Presented by: Senator Amber Hulse

Proponents: Florence K. Thompson, SD Citizens for Liberty, Rapid City
Mary Arlington, South Dakota Campground Owners Association (SDCOA),
Pierre
Megan Tschetter, Self, Hartford
Linda Montgomery, Self, Fairview
Thomas Oliva, Hughes County Auditor, Pierre
Steven Saint, Self, Custer
T.J. Nelson, FGA Action, Sioux Falls
Anja Carly, Self, Piedmont

Others: Thomas Oliva, Hughes County Auditor, Pierre

MOTION: DO PASS SB 185

Moved by: Schaeftbauer

Second by: Gosch

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Bahmuller, Emery, Gosch, Hansen, Healy, Heinemann, Jamison, Lems, Reisch, Schaeftbauer, Soye, Overweg, and Odenbach

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 185 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 145 : require legislative approval of real property leases that are necessary for the operation of state government and exceed specified durations or rental payments.

Presented by: Senator Chris Karr (Handout(s) #4)

Proponents: Jason Kettwig, Bureau of Human Resources and Administration

MOTION: DO PASS SB 145

Moved by: Hansen

Second by: Lems

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Bahmuller, Emery, Gosch, Hansen, Healy, Heinemann, Jamison, Lems, Reisch, Schaeftbauer, Soye, Overweg, and Odenbach

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 145 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: RECONSIDER SB 198

Moved by: Hansen

Second by: Lems

Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Lems, Schaeftbauer, Soye, Overweg, and Odenbach

Voting No: Emery, Healy, and Reisch

MOTION: AMEND SB 198

198F

On page 1, line 1, of the Senate Engrossed bill, delete "establish conditions a prospective condemnor must satisfy before commencing condemnation proceedings" and insert "prohibit the exercise of eminent domain for a pipeline that carries carbon oxide"

On the Senate Engrossed bill, delete everything after the enacting clause and insert:
"

Section 1. That a NEW SECTION be added to chapter 49-7:

Notwithstanding the provisions of any other law, a person may not exercise the right of eminent domain to acquire right-of-way for, construct, or operate a pipeline for the preponderant purpose of transporting carbon oxide.
"

Moved by: Hansen

Second by: Gosch

Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Lems, Schaeffbauer, Soye, Overweg, and Odenbach

Voting No: Emery, Healy, Jamison, and Reisch

THE CHAIR DEFERRED SB 198 UNTIL WEDNESDAY, MARCH 05TH 2025

MOTION: ADJOURN

Moved by: Overweg

Second by: Hansen

Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ SCOTT ODENBACH
Scott Odenbach, Chair