

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

ELEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 28, 2026

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

The prayer was offered by the Chaplain, Rev. Leanna Cloud, followed by the Pledge of Allegiance led by Senate page Madalyn Cole.

Roll Call: All members present except Sen. Beal who was excused.

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 10th 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 Alexis Hoffman.

2 Which was subscribed to and placed on file in the office of the Secretary of State.

3 There being no objection, the Senate proceeded to Order of Business No. 14 - Second Reading
4 of House Bills and Joint Resolutions.

5 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 **HB 1044:** FOR AN ACT ENTITLED, An Act to make an appropriation to implement the rural
7 health transformation program, and to declare an emergency.

8 Was read the second time.

9 The question being "Shall **HB 1044** pass as amended?"

10 And the roll being called:

11 Yeas 32, Nays 2, Excused 1, Absent 0

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

16 Nays: Carley and Pischke

17 Excused: Beal

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

20 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
21 Committees.

22 **REPORTS OF STANDING COMMITTEES**

23 MR. PRESIDENT:

24 The Committee on Senate State Affairs respectfully reports that it has had under consideration
25 **SB 28** which was deferred to the 41st Legislative Day.

26 Also MR. PRESIDENT:

27 The Committee on Senate State Affairs respectfully reports that it has had under consideration
28 **SB 29** which was tabled.

29 Also MR. PRESIDENT:

30 The Committee on Senate State Affairs respectfully reports that it has had under consideration
31 **SB 30 and 31** and returns the same with the recommendation that said bills do pass.

1 Also MR. PRESIDENT:

2 The Committee on Senate State Affairs respectfully reports that it has had under consideration
3 **SB 114** and returns the same with the recommendation that said bill be amended as follows:

4 114B

5 On page 1, line 12, of the Introduced bill, after "1-27" insert ". The county auditor is not
6 required to produce a cast vote record or collection of ballot images, if the operating software of the
7 automatic tabulating equipment used in a precinct does not produce a cast vote record or ballot
8 images"

9 114C

10 On amendment (114B),

11 On page 1, line 14, delete " precinct" and insert " county"

12 And that as so amended, **SB 114** do pass, and having been certified as uncontested, be placed
13 on the consent calendar.

14 Respectfully submitted,
15 Jim Mehlhaff, Chair

16 MR. PRESIDENT:

17 The Committee on Senate Local Government respectfully reports that it has had under
18 consideration **SB 91** and returns the same with the recommendation that said bill be amended as
19 follows:

20 91B

21 On page 1, line 6, of the Introduced bill, after "the" insert " office of the"

22 On page 1, line 6, of the Introduced bill, delete ", who" and insert ". The county auditor"

23 On page 1, line 6, of the Introduced bill, delete " present" and insert " forward"

24 On page 1, line 7, of the Introduced bill, delete " board" and insert " commission, or a person
25 designated by the commission, for consideration"

26 On page 1, line 7, of the Introduced bill, after "meeting" insert " and provide a copy to the
27 board, or a person designated by the board"

28 And that as so amended, **SB 91** do pass, and having been certified as uncontested, be placed
29 on the consent calendar.

30 Also MR. PRESIDENT:

31 The Committee on Senate Local Government respectfully reports that it has had under
32 consideration **SB 92** and returns the same with the recommendation that said bill be amended as
33 follows:

34 92A

35 On page 1, line 11, of the Introduced bill, after "changes." delete "Consideration of any changes
36 to the proposed amendment, supplement, change, modification, or repeal requested action may
37 only be done occur if the time and place of the hearing is published in a legal newspaper of the

1 county, at least ten days in advance in a legal newspaper of the county. If adopted, the board shall
2 of the hearing.

3 "

4 On page 1, line 15, of the Introduced bill, delete ":

5 (1) The" and insert ", the"

6 On page 1, line 16, of the Introduced bill, remove the overstrikes from " fact of"

7 On page 1, line 16, of the Introduced bill, delete " decision once in a legal newspaper of the
8 county and take;

9 (2) The decision takes effect on the twentieth day after publication. , unless referendum is
10 invoked; and

11 (3) " and insert " pursuant to § 11-2-21.

12 "

13 On page 1, line 22, of the Introduced bill, after "applicable" delete " to the rejection decision"

14 And that as so amended, **SB 92** do pass.

15 Respectfully submitted,
16 Tim S. Reed, Chair

17 MR. PRESIDENT:

18 The Committee on Senate Health and Human Services respectfully reports that it has had
19 under consideration **SB 90, and HB 1016** and returns the same with the recommendation that said
20 bills do pass.

21 Also MR. PRESIDENT:

22 The Committee on Senate Health and Human Services respectfully reports that it has had
23 under consideration **HB 1023 and 1024** and returns the same with the recommendation that said
24 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

25 Respectfully submitted,
26 Kevin D. Jensen, Chair

27 MR. PRESIDENT:

28 The Senate Committee on Appropriations respectfully reports that it has had under
29 consideration **SB 21** and returns the same with the recommendation that said bill do pass.

30 Also MR. PRESIDENT:

31 The Senate Committee on Appropriations respectfully reports that it has had under
32 consideration **SB 75** and returns the same with the recommendation that said bill be amended as
33 follows:

34 75A

1 On page 1, line 11, of the Introduced bill, after "nonprofit" insert " entities providing drinking
2 water and sanitary sewer"

3 And that as so amended, **SB 75** do pass, and having been certified as uncontested, be placed
4 on the consent calendar.

5 Respectfully submitted,
6 Ernie Otten, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Taxation respectfully reports that it has had under consideration
9 **SB 97** and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Taxation respectfully reports that it has had under consideration
12 **SB 99** which was deferred to the 41st Legislative Day.

13 Respectfully submitted,
14 Sue Peterson, Chair

15 MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
17 Enrolling has carefully compared **SB 5 and 57** and finds the same correctly enrolled.

18 Respectfully submitted,
19 Chris Karr, Chair

20 SIGNING OF BILLS

21 The President publicly read the title to

22 **HB 1044:** FOR AN ACT ENTITLED, An Act to make an appropriation to implement the rural
23 health transformation program, and to declare an emergency.

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

25 MESSAGES FROM THE HOUSE

26 MR. PRESIDENT:

27 I have the honor to return herewith **SB 5 and 57** which have passed the House without change.

Also MR. PRESIDENT:

I have the honor to transmit herewith **HB 1021, 1042, 1047, 1058, 1076, 1096, 1101, and 1102, and HJR 5001** which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, January 29, 2026, the 11th legislative day.

SCR 605: A CONCURRENT RESOLUTION recognizing the significance of the monarch butterfly and encouraging cooperative, voluntary conservation efforts in South Dakota.

Was read the second time.

Sen. Wipf moved that **SCR 605** as found on page 119 of the Senate Journal be adopted.

The question being on Sen. Wipf's motion that **SCR 605** be adopted.

And the roll being called:

Yeas 33, Nays 1, Excused 1, Absent 0

Yeas: Blanc, 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, Wipf, and Zikmund

Nays: Carley

Excused: Beal

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **SCR 605** was adopted.

HCR 6004: A CONCURRENT RESOLUTION encouraging the use of physical cash in transactions.

Was read the second time.

Sen. Blanc moved that the Senate do concur in **HCR 6004** as found on page 119 of Senate Journal.

The question being on Sen. Blanc's motion that **HCR 6004** be concurred in.

And the roll being called:

Yeas 16, Nays 18, Excused 1, Absent 0

1 Yeas: Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Lapka, Marty,
2 Nelson, Perry, Peterson (Sue), Pischke, Voight, and Voita

3 Nays: Crabtree, Davis, Deibert, Duhamel, Karr, Kolbeck (Steve), Larson, Mehlhaff, Miskimins,
4 Otten, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

5 Excused: Beal

6 So the motion not having received an affirmative vote of a majority of the members-elect, the
7 President declared the motion lost.

8 **CONSIDERATION OF REPORTS OF COMMITTEES**

9 Sen. Mehlhaff moved that the report of the Standing Committee on

10 Commerce and Energy on **SB 36** as found on page 118 of the Senate Journal be adopted.

11 Which motion prevailed and the report was adopted.

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

13 The President declared that **SB 95**, **SB 123**, and **SB 149** were withdrawn at the request of
14 the prime sponsors pursuant to JR 6B-1.1.

15 **SB 148**: FOR AN ACT ENTITLED, An Act to terminate bounty payments for the control of nest
16 predation.

17 Introduced by: **Senator** Reed

18 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

19 **SB 143**: FOR AN ACT ENTITLED, An Act to require that the Department of Health annually
20 report on public health effects of cannabis use.

21 Introduced by: **Senator** Carley

22 Was read the first time and referred to the Committee on Health and Human Services.

23 **SB 147**: FOR AN ACT ENTITLED, An Act to prohibit a person from refusing to identify oneself
24 in certain circumstances and to provide a penalty therefor.

25 Introduced by: **Senator** Davis

26 **SB 149**: FOR AN ACT ENTITLED, An Act to exempt one motor vehicle of a debtor from being
27 taken by legal process.

28 Introduced by: **Senator** Larson

SB 150: FOR AN ACT ENTITLED, An Act to exempt one motor vehicle of a debtor from being taken by legal process.

Introduced by: **Senator** Larson

Were read the first time and referred to the Committee on Judiciary.

SB 142: FOR AN ACT ENTITLED, An Act to amend the requirements for filing certain campaign finance disclosure statements.

Introduced by: **Senator** Voita

SB 146: FOR AN ACT ENTITLED, An Act to clarify the effect of the resignation of certain gubernatorial appointees.

Introduced by: **Senator** Pischke

Were read the first time and referred to the Committee on State Affairs.

SB 141: FOR AN ACT ENTITLED, An Act to exempt certain sales at farmers' markets from sales tax.

Introduced by: **Senator** Foster

SB 144: FOR AN ACT ENTITLED, An Act to provide property tax relief to certain senior owners of owner-occupied single-family dwellings.

Introduced by: **Senator** Voight

Were read the first time and referred to the Committee on Taxation.

SB 145: FOR AN ACT ENTITLED, An Act to revise the limitations on a municipality's power to take actions for the promotion of health or the suppression of disease.

Introduced by: **Senator** Pischke

SB 151: FOR AN ACT ENTITLED, An Act to require the publication of the results of an election for precinct committeeman or committeewoman and to declare an emergency.

Introduced by: **Senator** Hulse

Were read the first time.

The following bill was read on January 26, 2026, and today the President Pro Tem assigned this bill to committee:

SB 128 was referred to the Committee on State Affairs.

The following bills were read on January 27, 2026, and today the President Pro Tem assigned these bills to committee:

SB 139 and **SB 140** were referred to the Committee on Judiciary.

1

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2

HB 1101: FOR AN ACT ENTITLED, An Act to prohibit an insurer from declining or limiting life, disability, or long-term care insurance policies based solely on an individual's status as a living organ donor.

3

4

5

Was read the first time and referred to the Committee on Commerce and Energy.

6

HB 1102: FOR AN ACT ENTITLED, An Act to reschedule the annual report filing date for a limited liability company and a limited liability partnership.

7

8

HJR 5001: A JOINT RESOLUTION proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, prohibiting the transfer of private property to a non-governmental entity for the purpose of economic development or increased tax revenue and requiring a declaration of necessity.

9

10

11

12

Were read the first time and referred to the Committee on State Affairs.

13

HB 1058: FOR AN ACT ENTITLED, An Act to require licensure for online pari-mutuel wagering pools for horse and dog races, and clarify the application of tax therefor.

14

15

HB 1076: FOR AN ACT ENTITLED, An Act to revise restrictions on residence within a community safety zone and to declare an emergency.

16

17

HB 1096: FOR AN ACT ENTITLED, An Act to allow for the direct creation of a limited liability limited partnership.

18

19

Were read the first time.

20

HB 1021: FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture and Natural Resources to dismantle and demolish buildings on the South Dakota State Fairgrounds, to make an appropriation therefor, and to declare an emergency.

21

22

23

HB 1042: FOR AN ACT ENTITLED, An Act to authorize the construction of a National Guard vehicle maintenance shop in Sturgis, to make an appropriation therefor, and to declare an emergency.

24

25

26

HB 1047: FOR AN ACT ENTITLED, An Act to make an appropriation for the construction costs at the Blue Dog State Fish Hatchery, and to declare an emergency.

27

28

Were read the first time and the President waived the committee referral pursuant to JR 6D-1.

29

30

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

31

SB 81: FOR AN ACT ENTITLED, An Act to clarify the prohibition on injuring or harassing a service animal.

32

33

SB 82: FOR AN ACT ENTITLED, An Act to prohibit the misrepresentation of an animal as a service animal and to provide a penalty therefor.

34

35

SB 101: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the duties of presidential electors.

36

HB 1033: FOR AN ACT ENTITLED, An Act to update the reference to the Internal Revenue Code to reflect current federal law for the administration of higher education savings plans.

Were read the second time.

The question being "Shall **SB 101** pass as amended, and **SB 81 and 82, and HB 1033** pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas: 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, Wipf, and Zikmund

Excused: Beal

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 42: FOR AN ACT ENTITLED, An Act to enhance the penalties for ingestion, possession, possession with intent to deliver, and delivery of a controlled substance in a state correctional facility.

Was read the second time.

Sen. Duhamel moved that **SB 42** be amended as follows:

42A

On page 1, line 1, of the Introduced bill, after "ingestion," delete " possession,"

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 24-2-14 be AMENDED:

"

On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "24-2-14. "

On page 1, line 5, of the Introduced bill, after "24-2-14. " delete "Possession of the following articles by an inmate of a state correctional facility, unless directly issued by the Department of Corrections and used in accordance with the department's policies and procedures, is a felony pursuant to the following schedule:

(1) Possession of any alcoholic beverage or marijuana is a Class 6 felony;

(2) Possession of a cell phone or any other electronic communication device prohibited by Department of Corrections policy is a Class 4 felony;

(3) Possession of any prescription or nonprescription drug or controlled substance, as defined by chapter 34-20B, except by written order for a definite period from a physician, physician assistant, or certified nurse practitioner, as defined in chapters 36-4, 36-4A, and 36-9A, is a Class 4 Class 3 felony;

(4) Possession of a dangerous weapon as defined by § 22-1-2 is a Class 2 felony; and

(5) Possession of any article, not proscribed by this section, that is not provided by or authorized by the facility in any form, is a Class 6 felony."

Which motion prevailed.

Sen. Grove moved that **SB 42** be amended as follows:

42B

On page 2, line 29, of the Introduced bill, delete " Class 5" and insert " Class 6"

On page 2, line 31, of the Introduced bill, delete " Class 5" and insert " Class 6"

Sen. Pischke requested that JR 5-17 be invoked on **SB 42**.

Which request was supported and **SB 42** with Sen. Grove's pending motion to amend was deferred until Thursday, January 29, 2026, the 12th legislative day.

SB 93: FOR AN ACT ENTITLED, An Act to prohibit certain state officers or employees from being employed by an organization that was the recipient of a contract awarded on behalf of a state agency for a period of time.

Was read the second time.

Sen. Crabtree moved that **SB 93** be amended as follows:

93A

On page 2, line 6, of the Introduced bill, delete "Be " and insert "Except as otherwise provided in section 3 of this Act, be "

On page 2, line 8, of the Introduced bill, delete " one" and insert " five"

On page 2, line 10, of the Introduced bill, delete " one" and insert " five"

On page 3, after line 4, of the Introduced bill, insert: "

Section 3. That a NEW SECTION be added to chapter 5-18A:

A governing body may authorize a former officer or employee whose responsibilities included approving, awarding, or administering a contract on behalf of a state agency; supervising any employee who approved, awarded, or administered a contract on behalf of the state agency; or recommending to any employee the approval or award of a contract on behalf of a state agency, to be employed by an organization that was the beneficiary of a contract approved, awarded, or administered by the officer or employee, before the time permitted in § 5-18A-17, if:

(1) The governing body has reviewed:

(a) The essential terms of the transaction or contract; and

(b) The role of the officer or employee in the contract or transaction; and

(2) The transaction and the terms of the contract are fair, reasonable, and not contrary to the public interest.

The governing body must provide the authorization in writing. Any authorization given pursuant to this section is a public record. Each authorization must be filed with the commissioner of human

resources and administration. The commissioner shall annually compile the authorizations and present them to the Government Operations and Audit Committee for review. —"

Which motion prevailed.

The question being "Shall **SB 93** pass as amended?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas: 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, Wipf, and Zikmund

Excused: Beal

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

SIGNING OF BILLS

The President publicly read the title to

SB 5: FOR AN ACT ENTITLED, An Act to require the disclosure of whether a ballot question was proposed by initiative or by the Legislature.

SB 57: FOR AN ACT ENTITLED, An Act to clarify when agency financial resource information must be filed in the permanent administrative rulemaking process.

And signed the same in the presence of the Senate.

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

Peggy Laurenz, Secretary