

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

TWELFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 29, 2026

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate page Sadie Davis.

Roll Call: All members present except Sens. Beal and Davis who were 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 11th 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

REPORTS OF STANDING COMMITTEES

2 MR. PRESIDENT:

3 The Committee on Senate Commerce and Energy respectfully reports that it has had under
4 consideration **SB 105** which was deferred to the 41st Legislative Day.

5 Also MR. PRESIDENT:

6 The Committee on Senate Commerce and Energy respectfully reports that it has had under
7 consideration **HB 1054** and returns the same with the recommendation that said bill do pass, and
8 having been certified as uncontested, be placed on the consent calendar.

9 Respectfully submitted,
10 Casey Crabtree, Chair

11 MR. PRESIDENT:

12 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
13 had under consideration **SB 115** and returns the same without recommendation.

14 Also MR. PRESIDENT:

15 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
16 had under consideration **HB 1052** and returns the same with the recommendation that said bill do
17 pass, and having been certified as uncontested, be placed on the consent calendar.

18 Respectfully submitted,
19 Tom Pischke, Chair

20 MR. PRESIDENT:

21 The Committee on Senate Judiciary respectfully reports that it has had under consideration
22 **SB 103** which was deferred to the 41st Legislative Day.

23 Also MR. PRESIDENT:

24 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
25 nomination of Nick Lamb of Hughes County, Pierre, South Dakota, to the position of Secretary of
26 the Department of Corrections and returns the same with the recommendation that the Senate
27 advise and consent to the confirmation of said appointment.

28 Also MR. PRESIDENT:

29 The Committee on Senate Judiciary respectfully reports that it has had under consideration the
30 nomination of Aaron Pilcher of Beadle County, Huron, South Dakota, to the Board of Pardons and
31 Paroles and returns the same with the recommendation that the Senate advise and consent to the
32 confirmation of said appointment.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration
3 **HB 1055** and returns the same with the recommendation that said bill do pass, and having been
4 certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Steve Kolbeck, Chair

7 **MESSAGES FROM THE HOUSE**

8 MR. PRESIDENT:

9 I have the honor to transmit herewith **HCR 6001** which has been adopted by the House and
10 your concurrence is respectfully requested.

11 Also MR. PRESIDENT:

12 I have the honor to transmit herewith **HB 1003, 1007, 1077, 1084, 1092, 1104, and 1106**
13 which have passed the House and your favorable consideration is respectfully requested.

14 Respectfully,
15 Patricia Miller, Chief Clerk

16 **MOTIONS AND RESOLUTIONS**

17 **SCR 606:** A CONCURRENT RESOLUTION encouraging the South Dakota Conservancy District
18 to obtain and hold a future use permit of Missouri River water for the long-term needs of this state.

19 Introduced by: **Senator** Hohn

20 **SCR 607:** A CONCURRENT RESOLUTION supporting congressional authorization for, and
21 federal participation in, major rural water supply projects identified by the South Dakota Association
22 of Rural Water Systems.

23 Introduced by: **Senator** Crabtree

24 **HCR 6001:** A CONCURRENT RESOLUTION urging the United States Department of Homeland
25 Security to establish a tribal law enforcement training academy in South Dakota.

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

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Mehlhaff moved that the reports of the Standing Committees on Local Government on **SB 91** as found on page 125 of the Senate Journal; also Local Government on **SB 92** as found on page 125 of the Senate Journal; also State Affairs on **SB 114** as found on page 124 of the Senate Journal; and Senate Appropriations on **SB 75** as found on page 126 of the Senate Journal be adopted. Which motion prevailed and the reports were adopted.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 174: FOR AN ACT ENTITLED, An Act to make an appropriation to defray the operational costs of school districts.

Introduced by: **Senator** Deibert

Was read the first time and referred to the Joint Committee on Appropriations.

SB 160: FOR AN ACT ENTITLED, An Act to require the registration of fishing guides.

Introduced by: **Senator** Pischke

SB 189: FOR AN ACT ENTITLED, An Act to provide for an automatic refund of an assessment on crops, livestock, and milk.

Introduced by: **Senator** Howard

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

SB 170: FOR AN ACT ENTITLED, An Act to require the provision of a notice to consumers, interacting with certain chatbots or other human-simulating computer technologies that could mislead or deceive the consumer.

Introduced by: **Senator** Larson

SB 186: FOR AN ACT ENTITLED, An Act to authorize the shipment of distilled spirits directly to consumers, and to provide a penalty therefor.

Introduced by: **Senator** Reed

SB 188: FOR AN ACT ENTITLED, An Act to revise public notice requirements for new sand, gravel, and construction aggregate mines.

Introduced by: **Senator** Carley

SB 193: FOR AN ACT ENTITLED, An Act to clarify the definition of backup electric generation.

Introduced by: **Senator** Crabtree

SB 197: FOR AN ACT ENTITLED, An Act to modify the administration of the South Dakota-Ireland trade fund.

Introduced by: **Senator** Karr

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

SB 195: FOR AN ACT ENTITLED, An Act to repeal the expiration of a reduction in certain gross receipts and use tax rates.

Introduced by: **Senator** Karr

Was read the first time and referred to the Senate Committee on Appropriations.

SB 157: FOR AN ACT ENTITLED, An Act to amend the school funding formula to provide for the use of an average fall enrollment when determining local need.

Introduced by: **Senator** Duhamel

SB 158: FOR AN ACT ENTITLED, An Act to amend the manner in which a school district determines the district's enrollment for the purpose of calculating state aid to general education.

Introduced by: **Senator** Duhamel

SB 167: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the administration of an academic achievement assessment to students in grade eleven.

Introduced by: **Senator** Nelson

SB 187: FOR AN ACT ENTITLED, An Act to define nonpublic school.

Introduced by: **Senator** Nelson

SB 198: FOR AN ACT ENTITLED, An Act to restrict the use of a cell phone by a student during instructional time.

Introduced by: **Senator** Karr

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

SB 153: FOR AN ACT ENTITLED, An Act to prohibit certain restrictions in employment contracts for community services providers.

Introduced by: **Senator** Grove

SB 169: FOR AN ACT ENTITLED, An Act to place requirements on the use of artificial intelligence systems by health carriers in making determinations about the provision of health care services.

Introduced by: **Senator** Larson

SB 181: FOR AN ACT ENTITLED, An Act to cause the repeal of the medical cannabis chapter upon the federal re-scheduling of cannabis.

Introduced by: **Senator** Carley

SB 194: FOR AN ACT ENTITLED, An Act to limit the potency of cannabis products sold at medical cannabis dispensaries.

Introduced by: **Senator** Carley

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

SB 152: FOR AN ACT ENTITLED, An Act to establish provisions relating to the use of military protective orders upon arrest and as evidence in an action for a protection order.

Introduced by: **Senator** Duhamel

SB 156: FOR AN ACT ENTITLED, An Act to modify the crime of cruelty to an animal and increase the penalty therefor.

Introduced by: **Senator** Howard

SB 159: FOR AN ACT ENTITLED, An Act to revise requirements pertaining to the minimum age for marriage.

Introduced by: **Senator** Pischke

SB 162: FOR AN ACT ENTITLED, An Act to revise the factors for considering deviation from the child support obligation schedule.

Introduced by: **Senator** Pischke

SB 163: FOR AN ACT ENTITLED, An Act to repeal provisions related to the shared parenting child support cross credit.

Introduced by: **Senator** Pischke

SB 168: FOR AN ACT ENTITLED, An Act to regulate the use of chatbots by minors.

Introduced by: **Senator** Larson

SB 179: FOR AN ACT ENTITLED, An Act to permit a court to commit a juvenile adjudicated delinquent for certain weapons offenses to the Department of Corrections.

Introduced by: **Senator** Hohn

SB 190: FOR AN ACT ENTITLED, An Act to provide for the rights of a parent.

Introduced by: **Senator** Grove

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

SB 165: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to municipal government.

Introduced by: **Senator** Reed

SB 166: FOR AN ACT ENTITLED, An Act to require boards of county commissioners and county planning and zoning commissions to hold meetings after certain times or provide recordings of meetings to the public for later viewing.

Introduced by: **Senator** Nelson

Were read the first time and referred to the Committee on Local Government.

SB 173: FOR AN ACT ENTITLED, An Act to extend the motor vehicle and motorcycle licensing fee available to a veteran with a disability to the spouse of a veteran with a disability.

Introduced by: **Senator** Hohn

Was read the first time and referred to the Committee on Military and Veterans Affairs.

SB 155: FOR AN ACT ENTITLED, An Act to increase legislative oversight procedures and protections against conflicts of interest, and to provide a penalty therefor.

Introduced by: **Senator** Carley

SB 171: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the processing of absentee ballots and to declare an emergency.

Introduced by: **Senator** Peterson (Sue)

SB 172: FOR AN ACT ENTITLED, An Act to enhance the economy of South Dakota.

Introduced by: **Senator** Larson

SB 175: FOR AN ACT ENTITLED, An Act to require that an individual provide proof of citizenship when registering to vote using the voter registration form prescribed by the State Board of Elections.

Introduced by: **Senator** Carley

SB 176: FOR AN ACT ENTITLED, An Act to amend the period of time before which ballots and other election materials may be destroyed following an election.

Introduced by: **Senator** Hulse

SB 177: FOR AN ACT ENTITLED, An Act to require that a voter use a black ink pen when marking an optical scan ballot.

Introduced by: **Senator** Blanc

SB 182: FOR AN ACT ENTITLED, An Act to address the tax situation in South Dakota.

Introduced by: **Senator** Larson

SB 184: FOR AN ACT ENTITLED, An Act to enhance public education in South Dakota.

Introduced by: **Senator** Larson

SB 185: FOR AN ACT ENTITLED, An Act to amend the process by which moneys are distributed from the employer's investment in South Dakota's future fund.

Introduced by: **Senator** Larson

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

SB 154: FOR AN ACT ENTITLED, An Act to clarify the eligibility of multiple garages or structures to be classified as owner-occupied.

Introduced by: **Senator** Hulse

SB 161: FOR AN ACT ENTITLED, An Act to repeal an exemption for certain health care facilities.

Introduced by: **Senator** Pischke

SB 178: FOR AN ACT ENTITLED, An Act to lower a maximum limit on the tax increment base value.

Introduced by: **Senator** Voight

SB 183: FOR AN ACT ENTITLED, An Act to modify requirements for public notice of a hearing prior to a vote to impose an excess tax levy.

Introduced by: **Senator** Hulse

SB 191: FOR AN ACT ENTITLED, An Act to remove the authorization to issue grants as part of a tax increment financing district.

Introduced by: **Senator** Howard

SB 192: FOR AN ACT ENTITLED, An Act to modify the blight requirements for purposes of creating a tax increment financing district.

Introduced by: **Senator** Howard

SB 196: FOR AN ACT ENTITLED, An Act to increase the income limits for a property tax assessment freeze.

Introduced by: **Senator** Karr

SB 199: FOR AN ACT ENTITLED, An Act to establish a new fund to provide property tax relief.

Introduced by: **Senator** Karr

SJR 506: 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, resetting, then limiting property taxes to a flat rate, until adjusted when sold.

Introduced by: **Senator** Carley

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

SB 164: FOR AN ACT ENTITLED, An Act to require that any holder of a commercial driver license in this state must be proficient in the English language, and to provide a penalty therefor.

Introduced by: **Senator** Howard

SB 180: FOR AN ACT ENTITLED, An Act to modify requirements regarding nondomiciled commercial driver licenses.

Introduced by: **Senator** Hulse

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

The following bill was read on January 27, 2026, and today the President Pro Tem assigned this bill to committee:

SB 138 was referred to the Committee on Education.

The following bills were read on January 28, 2026, and today the President Pro Tem assigned these bills to committee:

SB 145 and **SB 151** were referred to the Committee on State Affairs.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1077: FOR AN ACT ENTITLED, An Act to consider a cultivated-protein food product to be adulterated food.

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

HB 1003: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the required criminal background investigation of certain school employees.

Was read the first time and referred to the Committee on Education.

HB 1104: FOR AN ACT ENTITLED, An Act to revise the application requirements for special license plates and parking permits for individuals with disabilities.

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

HB 1007: FOR AN ACT ENTITLED, An Act to amend the definition of law enforcement officer to include tribal law enforcement officers.

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

HB 1092: FOR AN ACT ENTITLED, An Act to update provisions pertaining to open records.

HB 1106: FOR AN ACT ENTITLED, An Act to revise the terms of county extension board members.

Were read the first time and referred to the Committee on Local Government.

HB 1084: FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the public availability of information contained in certain records.

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

The following bills were read on January 28, 2026, and today the President Pro Tem assigned these bills to committee:

HB 1058 and **HB 1096** were referred to the Committee on Commerce and Energy.

HB 1076 was referred to the Committee on Judiciary.

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

HB 1023: FOR AN ACT ENTITLED, An Act to establish requirements and liability protection for registered nurses and licensed practical nurses serving on ambulance crews.

HB 1024: FOR AN ACT ENTITLED, An Act to modify requirements for ambulance operators.

Were read the second time.

The question being "Shall **HB 1023 and 1024** pass as amended?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas: Blanc, Carley, Crabtree, 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 and Davis

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 21: FOR AN ACT ENTITLED, An Act to modify tax refunds for elderly persons and persons with a disability.

Was read the second time.

The question being "Shall **SB 21** pass?"

And the roll being called:

Yeas 15, Nays 18, Excused 2, Absent 0

Yeas: Crabtree, Deibert, Duhamel, Larson, Mehlhaff, Miskimins, Otten, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

Nays: Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Nelson, Perry, Peterson (Sue), Pischke, Voight, and Voita

Excused: Beal and Davis

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

1 Sen. Vilhauer announced his intention to reconsider the vote by which **SB 21** lost.

2 **SB 30:** FOR AN ACT ENTITLED, An Act to amend the reasons for challenging an individual's
3 eligibility to vote.

4 Was read the second time.

5 The question being "Shall **SB 30** pass?"

6 And the roll being called:

7 Yeas 30, Nays 3, Excused 2, Absent 0

8 Yeas: Blanc, Carley, Crabtree, Deibert, Duhamel, Grove, Hohn, Howard, Hulse, Jensen (Kevin),
9 Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue),
10 Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wipf, and Zikmund

11 Nays: Foster, Larson, and Smith

12 Excused: Beal and Davis

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

15 **SB 31:** FOR AN ACT ENTITLED, An Act to permit the use of a confirmation letter to verify a
16 voter's registration.

17 Was read the second time.

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

19 And the roll being called:

20 Yeas 30, Nays 3, Excused 2, Absent 0

21 Yeas: Blanc, Carley, Crabtree, Deibert, Duhamel, Grove, Hohn, Howard, Hulse, Jensen (Kevin),
22 Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue),
23 Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wipf, and Zikmund

24 Nays: Foster, Larson, and Smith

25 Excused: Beal and Davis

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

28 **SB 36:** FOR AN ACT ENTITLED, An Act to authorize utilities to establish wildfire mitigation
29 plans and associated liability limitations for wildfire damages.

30 Was read the second time.

31 Sen. Kolbeck (Steve) moved that **SB 36** be amended as follows:

1 36B

2 On page 2, line 2, of the Senate Commerce and Energy Engrossed bill, after "receipt." delete
3 " Any wildfire mitigation plan or amendment submitted to the commission must be accompanied by
4 a five hundred dollar filing fee to be deposited in the gross receipts tax fund established by § 49-
5 1A-1."

6 On page 2, line 24, of the Senate Commerce and Energy Engrossed bill, after "year." delete "
7 Annual reports submitted to the commission must be accompanied by a two hundred fifty dollar
8 filing fee to be deposited in the gross receipts tax fund established by § 49-1A-1"

9 Which motion prevailed.

10 The question being "Shall **SB 36** pass as amended?"

11 And the roll being called:

12 Yeas 29, Nays 4, Excused 2, Absent 0

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

16 Nays: Hohn, Hulse, Karr, and Peterson (Sue)

17 Excused: Beal and Davis

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

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

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

24 The question now being on Sen. Grove's pending motion to amend **SB 42** as found on
25 page 133 of the Senate Journal.

26 Sen. Jensen (Kevin) requested a roll call vote.

27 Which request was supported.

28 And the roll being called:

29 Yeas 13, Nays 20, Excused 2, Absent 0

30 Yeas: Crabtree, Foster, Grove, Hohn, Larson, Marty, Peterson (Sue), Pischke, Rohl, Schoenfish,
31 Smith, Voita, and Wipf

32 Nays: Blanc, Carley, Deibert, Duhamel, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
33 Lapka, Mehlhaff, Miskimins, Nelson, Otten, Perry, Reed, Sauder, Vilhauer, Voight, and Zikmund

34 Excused: Beal and Davis

35 So the motion not having received an affirmative vote of a majority of the members present,
36 the President declared the motion lost.

1 The question being "Shall **SB 42** pass as amended?"

2 And the roll being called:

3 Yeas 26, Nays 7, Excused 2, Absent 0

4 Yeas: Blanc, Carley, Crabtree, Deibert, Duhamel, Howard, Hulse, Jensen (Kevin), Karr,
5 Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Reed,
6 Rohl, Sauder, Vilhauer, Voight, Voita, Wipf, and Zikmund

7 Nays: Foster, Grove, Hohn, Larson, Pischke, Schoenfish, and Smith

8 Excused: Beal and Davis

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

11 **SB 90:** FOR AN ACT ENTITLED, An Act to expand the information required to be sent to the
12 prescription drug monitoring program for each registry identification card holder.

13 Was read the second time.

14 The question being "Shall **SB 90** pass?"

15 And the roll being called:

16 Yeas 20, Nays 12, Excused 3, Absent 0

17 Yeas: Blanc, Carley, Duhamel, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
18 Lapka, Marty, Mehlhaff, Miskimins, Nelson, Perry, Pischke, Vilhauer, Voight, Voita, and Zikmund

19 Nays: Crabtree, Deibert, Grove, Larson, Otten, Peterson (Sue), Reed, Rohl, Sauder,
20 Schoenfish, Smith, and Wipf

21 Excused: Beal, Davis, and Foster

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

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

26 **MOTIONS AND RESOLUTIONS**

27 Sen. Mehlhaff moved that the balance of the calendar including **SB 97 and HB 1016, 1021,**
28 **1042, and 1047** be deferred to Monday, February 2, 2026, the 13th legislative day.

29 Which motion prevailed.

1

COMMEMORATIONS

2

3

SC 802: A LEGISLATIVE COMMEMORATION celebrating and honoring Tabor Czech Days annual festivities on the occasion of its seventy-seventh anniversary.

4

5

6

Introduced by: **Senators** Schoenfish, Crabtree, Deibert, Larson, Nelson, Perry, Pischke, Reed, and Zikmund and **Representatives** Bahmuller, Emery, Goodwin, Heermann, Kull, Moore, Muckey, Peterson (Drew), and Stevens

7

8

Sen. Pischke moved that the Senate do now adjourn, which motion prevailed and at 2:35 p.m. the Senate adjourned.

9

Peggy Laurenz, Secretary