

Minutes: Senate State Affairs

Wednesday, February 11, 2026 10:00 AM

Roll Call

Present: Sen. Deibert, Sen. Jensen (Kevin), Sen. Karr, Sen. Kolbeck (Steve),  
Sen. Larson, Sen. Voight, Sen. Perry, and Sen. Mehlhaff

Excused: Sen. Pischke

**The meeting was called to order by Senator Mehlhaff**

**MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 09<sup>TH</sup>**

Moved by: Perry  
Second by: Deibert  
Action: Prevailed by voice vote

**SB 155 : increase legislative oversight procedures and protections against conflicts of interest, and to provide a penalty therefor.**

Presented by: Senator John Carley (Handout(s) HO#1)

Proponents: Steven Johnson, Self  
Jordan Mason, Self  
Chet Ellsworth, Self  
Rick Weible, Self  
Jessica Pollema, Self

Opponents: Jessica Filler, Bureau of Human Resources and Administration  
Holly Farris, Board of Regents  
Eric Ollila, South Dakota State Employees Organization

**MOTION: DEFER SB 155 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Deibert  
Second by: Kolbeck (Steve)  
Action: Prevailed by Majority Members Elect (7-1-1-0)

Voting Yes: Deibert, Karr, Kolbeck (Steve), Larson, Voight, Perry, and Mehlhaff

Voting No: Jensen (Kevin)

Excused: Pischke

**SB 175 : require that an individual provide proof of citizenship when registering to vote using the voter registration form prescribed by the State Board of Elections.**

Presented by: Senator John Carley

Proponents: Rick Weible, Self  
Jessica Pollema, Self

Opponents: Tom Deadrick, Secretary of State's Office  
Ellie J. Bailey, South Dakota Advocacy Network for Women  
Samantha Chapman, American Civil Liberties Union Foundation Inc

**MOTION: AMEND SB 175**

175C

On page 1, line 2, of the Introduced bill, delete " using the voter registration form prescribed by the State Board of Elections" and insert " and to declare an emergency"

On page 2, line 14, of the Introduced bill, after "citizen" insert ", provided that the individual is not already registered as a voter of another county of this state"

On page 3, line 7, of the Introduced bill, after "number;" delete " or"

On page 3, line 8, of the Introduced bill, after "or (c)" insert "A consular report of birth abroad issued by the United States Department of State for the individual;

(d) "

On page 3, line 8, of the Introduced bill, after "naturalization" insert "; or (e) Any other type of acceptable documentary evidence of citizenship permitted under 42 C. F. R. § 436. 407 (January 1, 2026)"

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

On page 3, line 13, of the Introduced bill, after "12-4:" delete "Except as otherwise provided by this section, any individual is deemed to have provided satisfactory documentation demonstrating the individual's citizenship and is not required to resubmit documentation demonstrating the individual's citizenship if the individual is registered as a voter on or before July 1, 2026.

If an individual who is registered as a voter of this state registers as a voter of another county within this state, the individual must provide documentation demonstrating the individual's citizenship."

On page 4, after line 8, of the Introduced bill, insert: "

**Section 7.** Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Kolbeck (Steve)  
 Second by: Larson  
 Action: Prevailed by voice vote

**MOTION: DEFER SB 175 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Kolbeck (Steve)  
 Second by: Larson  
 Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Deibert, Kolbeck (Steve), Larson, Perry, and Mehlhaff

Voting No: Jensen (Kevin), Karr, and Voight

Excused: Pischke

**SB 110 : regulate how broadband internet access service providers use customer data.**

Presented by: Senator Michael Rohl  
 Proponents: Samantha Chapman, American Civil Liberties Union Foundation Inc

Opponents: Erik Nelson, AARP South Dakota  
 Justin G. Smith, Midcontinent Communications  
 Brett Koenecke, CenturyLink  
 Ryan Budmayr, South Dakota Chamber of Commerce & Industry  
 Jake Lestock, Self

**MOTION: AMEND SB 110**

110B

On page 2, line 5, of the Introduced bill, after "information;  
 (e)" delete "Geolocation information sufficient to identify the street name and municipality of the user;"  
 On page 2, line 12, of the Introduced bill, after "children;" insert " and"  
 On page 2, line 13, of the Introduced bill, after "children;  
 (j)" delete "Information that relates to the quantity, technical configuration, type, destination, and location of use of the broadband internet access service;"  
 On page 2, line 15, of the Introduced bill, after "  
 (k)" delete "Mailing address, physical address, email address, and phone number; and"  
 On page 2, line 16, of the Introduced bill, after "and" delete "(l)"  
 On page 3, line 1, of the Introduced bill, after "cost;" insert " and"  
 On page 3, line 2, of the Introduced bill, after "misleading" delete "; and"  
 On page 3, line 3, of the Introduced bill, after "and  
 (7)" delete "Persistently available through all methods the service provider gives customers for account management"  
 On page 4, line 26, of the Introduced bill, after "Act." insert "  
 Providers that utilize reasonable measures to protect customer personal information may not be liable for unauthorized access to customer personal information. "  
 On page 5, line 2, of the Introduced bill, after "available " delete "through all methods the service provider gives customers for account management"  
 On page 5, line 7, of the Introduced bill, after "collects;" insert " and"  
 On page 5, line 8, of the Introduced bill, after "collects;  
 (3)" delete "The categories of entities to which the service provider discloses, sells, or permits access to customer personal information, and the purposes for which each category of entity will use the information; and"  
 On page 5, line 11, of the Introduced bill, after "and" delete "(4)"  
 On page 5, after line 27, of the Introduced bill, insert: "

**Section 12. That a NEW SECTION be added to chapter 49-31:**

Broadband internet service providers that are small businesses pursuant to 13 C.F.R. § 121.201 (January 1, 2026) are exempt from sections 2 to 12, inclusive, of this Act. "

Moved by: Perry  
 Second by: Larson  
 Action: Prevailed by voice vote

**MOTION: DEFER SB 110 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Kolbeck (Steve)  
 Second by: Mehlhaff  
 Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Deibert, Kolbeck (Steve), Voight, Perry, and Mehlhaff

Voting No: Jensen (Kevin), Karr, and Larson

Excused: Pischke

**SB 111 : require that social media companies provide collected personal data of a user at the user's request and maintain transparent interoperability interfaces.**

Presented by: Senator Michael Rohl (Handout(s) HO#2, 3, 4)

Proponents: Matthew Lipka, Self

Opponents: Rose Feliciano, Self

**MOTION: AMEND SB 111**

111C

On page 2, line 21, of the Introduced bill, delete " infrastructure where multiple social media services can access, contribute to, and synchronize a user's personal data" and insert " standard to facilitate the exchange of a user's personal data across multiple social media services"

On page 2, line 22, of the Introduced bill, after "data;" insert " and"

On page 2, line 23, of the Introduced bill, after "restrictions;" delete " and"

On page 2, line 24, of the Introduced bill, after "and" delete "(c) Governs how social media services communicate and exchange data with each other;"

On page 3, line 16, of the Introduced bill, after "storage," insert " interactive gaming,"

On page 3, line 26, of the Introduced bill, delete " located in this state who accesses or uses a social media service" and insert " who is a resident of this state, acting only in an individual or household context and who accesses or uses a social media service"

On page 4, line 12, of the Introduced bill, delete " five hundred thousand" and insert " one hundred million"

On page 4, line 20, of the Introduced bill, delete " five hundred thousand" and insert " one hundred million"

On page 4, line 24, of the Introduced bill, delete "Share" and insert " Expose"

On page 4, line 24, of the Introduced bill, delete " between the" and insert " to other"

On page 4, line 24, of the Introduced bill, after "services" delete " designated by the user"

On page 4, line 30, of the Introduced bill, delete " five hundred thousand" and insert " one hundred million"

On page 5, line 1, of the Introduced bill, after "shall" insert " provide users with the ability to export their social graph to social media services in the following manner"

On page 5, line 1, of the Introduced bill, after "shall:" delete "(1) Utilize an open protocol;"

On page 5, line 2, of the Introduced bill, after "protocol;" delete "(2) Facilitate and maintain interoperability and synchronous data sharing with other social media services based on terms that do not discriminate between social media services;"

On page 5, line 5, of the Introduced bill, after "services;" delete "(3) Establish proportionate thresholds related to the frequency, nature, and volume of requests, beyond which the social media company may assess a fee for the access;"

On page 5, line 7, of the Introduced bill, after "access;" delete "(4) Offer to other social media companies a functionally equivalent version of any internal interfaces created by the social media company for the social media company's own social media services;"

On page 5, line 10, of the Introduced bill, after "services;" delete "(5) Disclose to other social media companies complete, accurate, and regularly updated documentation describing access to the interoperability interface required under this section;"

On page 5, line 13, of the Introduced bill, after "section;" delete "(6) Refrain from sharing or receiving a user's personal data through the interoperability interface except with the user's consent; and"

On page 5, line 15, of the Introduced bill, delete "(7) Adopt a method for users to give consent for data sharing with other social media services or third parties through the interoperability interface." and insert "

(1) The social media service shall allow a user the ability to choose whether to export all of a user's social graph data or export only a subset of that data, and a user may select a subset of the data by selecting:

- (a) Certain types of data;
- (b) Certain dates of data; or
- (c) Data generated since a previous transfer;

(2) A social media service shall make the export available in a machine readable format;

(3) A social media service shall make the export using a publicly available technical standard that is free from:

- (a) Licensing fees; and
- (b) Patent restrictions that any social media service can freely use;
- (4) The social media service shall allow a user to choose between a single export or continuous, ongoing exports, which must occur at least every twenty-four hours;
- (5) The social media service shall ensure that the exports are done in a manner consistent with industry best practices for privacy and security; and
- (6) The social media service providing the export may impose reasonable terms on the transfer, including terms to ensure privacy and security, provided that the terms do not discriminate between social media services and do not unfairly preference the social media service's own service over others.

Nothing in this section restricts a social media platform's ability to detect, prevent, protect against, or respond to a security incident, risk to safety or integrity, harassment, malicious or fraudulent activity, or any illegal activity. Nothing in this section restricts a social media platform's ability to comply with any legal obligations."

On page 5, line 18, of the Introduced bill, delete " five hundred thousand" and insert " one hundred million"

On page 5, after line 28, of the Introduced bill, insert: "

**Section 8. That a NEW SECTION be added to chapter 53-12:**

Nothing in this Act requires a social media service to import any data or treat imported data differently from any other use-generated content on the service. "

On page 5, after line 28, of the Introduced bill, insert: "

**Section 9. This Act is effective beginning July 1, 2027.**"

Moved by: Perry  
Second by: Larson  
Action: Prevailed by voice vote

**MOTION: DO PASS SB 111 AS AMENDED**

Moved by: Jensen (Kevin)  
Second by: Perry  
Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Deibert, Jensen (Kevin), Karr, Kolbeck (Steve), Larson, Voight, Perry, and Mehlhaff

Excused: Pischke

**SB 145 : revise the limitations on a municipality's power to take actions for the promotion of health or the suppression of disease.**

**THE CHAIR DEFERRED SB 145 UNTIL FRIDAY FEBRUARY 20TH**

**MOTION: ADJOURN**

Moved by: Kolbeck (Steve)  
Second by: Jensen (Kevin)  
Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

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/s/ JIM MEHLHAFF  
Jim Mehlhaff, Chair