

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

TWENTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 17, 2026

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 pages Danni Kotalik and Madison Olson.

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

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 21st 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.

COMMUNICATIONS AND PETITIONS

February 13, 2026

Mr. President and Members of the Senate:

I have the honor to inform you that on February 13, 2026, I approved Senate Bills 10, 11, 18, 19, 23, 46, 47, and 48, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

February 17, 2026

Mr. President and Members of the Senate:

I have the honor to inform you that on February 17, 2026, I approved Senate Bills 50, 51, 52, 53, and 65, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

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

218A

On page 1, line 19, of the Introduced bill, after "operations;

(3)" insert "Operate a physical structure where the school provides in-person academic instruction, extracurricular activities, and other functions associated with the educational program offered by the charter school;

(4) "

On page 1, line 21, of the Introduced bill, delete "(4)" and insert "(5)"

On page 1, line 22, of the Introduced bill, delete "(5)" and insert "(6)"

On page 1, line 24, of the Introduced bill, delete "(6)" and insert "(7)"

On page 2, line 1, of the Introduced bill, delete "(7)" and insert "(8)"

On page 2, line 5, of the Introduced bill, delete "(8)" and insert "(9)"

On page 2, line 7, of the Introduced bill, delete "(9)" and insert "(10)"

On page 2, line 9, of the Introduced bill, delete "(10)" and insert "(11)"

1 On page 2, line 10, of the Introduced bill, delete "(11)" and insert "(12)"

2 On page 2, line 12, of the Introduced bill, after "district." insert "A charter school authorized
3 under this chapter may not use online, remote, or other virtual methods as the primary method of
4 providing educational programming.

5 "

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

7 Also MR. PRESIDENT:

8 The Committee on Senate Education respectfully reports that it has had under consideration
9 **HB 1003** and returns the same with the recommendation that said bill do pass, and having been
10 certified as uncontested, be placed on the consent calendar.

11 Respectfully submitted,
12 Kyle Schoenfish, Chair

13 MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration
15 **SB 162 and 163** which were deferred to the 41st Legislative Day.

16 Also MR. PRESIDENT:

17 The Committee on Senate Judiciary respectfully reports that it has had under consideration
18 **SB 224** and returns the same with the recommendation that said bill do pass.

19 Respectfully submitted,
20 Steve Kolbeck, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Commerce and Energy respectfully reports that it has had under
23 consideration **SB 170 and 209;** which were tabled.

24 Also MR. PRESIDENT:

25 The Committee on Senate Commerce and Energy respectfully reports that it has had under
26 consideration **HB 1201;** and returns the same with the recommendation that said bill do pass.

27 Also MR. PRESIDENT:

28 The Committee on Senate Commerce and Energy respectfully reports that it has had under
29 consideration **HB 1035;** 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 Casey Crabtree, Chair

33 MR. PRESIDENT:

34 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
35 had under consideration **SB 160** which was deferred to the 41st Legislative Day.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
3 had under consideration **HB 1019** and returns the same with the recommendation that said bill do
4 pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Tom Pischke, Chair

7 MR. PRESIDENT:

8 The Senate Committee on Appropriations respectfully reports that it has had under
9 consideration **SB 76** with the recommendation that said bill be referred to the Committee on
10 Commerce and Energy.

11 Also MR. PRESIDENT:

12 The Senate Committee on Appropriations respectfully reports that it has had under
13 consideration **SB 78** with the recommendation that said bill be referred to the Joint Committee on
14 Appropriations.

15 Respectfully submitted,
16 Ernie Otten, Chair

17 MR. PRESIDENT:

18 The Committee on Legislative Procedure respectfully reports that **SB 54 and 91** were delivered
19 to his Excellency, the Governor, for his approval at 10:25 a.m., February 17, 2026.

20 Also MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
22 Enrolling has carefully compared **SB 67, 68, and 117** and finds the same correctly enrolled.

23 Respectfully submitted,
24 Chris Karr, Chair

25 **MESSAGES FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to return herewith **SB 67, 68, and 117** which have passed the House without
28 change.

29 Also MR. PRESIDENT:

30 I have the honor to inform your honorable body that **SB 92** was tabled.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has concurred in Senate
3 amendments to **HB 1030**.

4 Also MR. PRESIDENT:

5 I have the honor to transmit herewith **HB 1149, 1193, 1209, 1238, 1258, 1313, and 1320**
6 which have passed the House and your favorable consideration is respectfully requested.

7 Respectfully,
8 Patricia Miller, Chief Clerk

9 **MOTIONS AND RESOLUTIONS**

10 Sen. Otten moved that **SB 126 and HB 1056** be referred from the Senate floor to the Senate
11 Committee on Appropriations.

12 Which motion prevailed.

13 Sen. Rohl moved that the Committee on State Affairs be instructed to deliver **SB 110** to the
14 floor of the Senate, pursuant to JR 7-7.

15 Which motion was supported and the committee was so instructed.

16 Sen. Carley moved that the Committee on State Affairs be instructed to deliver **SB 175** to the
17 floor of the Senate, pursuant to JR 7-7.

18 Which motion was supported and the committee was so instructed.

19 Thursday, Sen. Larson announced her intention to reconsider the vote by which **SB 150** lost.

20 Sen. Larson moved that the Senate do now reconsider the vote by which **SB 150** lost.

21 The question being on Sen. Larson's motion to reconsider the vote by which **SB 150** lost.

22 And the roll being called:

23 Yeas 24, Nays 10, Excused 1, Absent 0

24 Yeas: Crabtree, Davis, Deibert, Duhamel, Foster, Hohn, Jensen (Kevin), Karr, Kolbeck (Steve),
25 Larson, Mehlhaff, Miskimins, Nelson, Peterson (Sue), Pischke, Rohl, Sauder, Schoenfish, Smith,
26 Vilhauer, Voight, Voita, Wipf, and Zikmund

27 Nays: Blanc, Carley, Grove, Howard, Hulse, Lapka, Marty, Otten, Perry, and Reed

28 Excused: Beal

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 President declared the motion carried and **SB 150** was up for reconsideration and final passage.

1 Sen. Larson moved that **SB 150** be deferred to Thursday, February 19, 2026, the 24th
2 legislative day.

3 Which motion prevailed.

4 Thursday, Sen. Grove announced her intention to reconsider the vote by which **SB 190** lost.

5 Sen. Grove moved that the Senate do now reconsider the vote by which **SB 190** lost.

6 The question being on Sen. Grove's motion to reconsider the vote by which **SB 190** lost.

7 And the roll being called:

8 Yeas 19, Nays 15, Excused 1, Absent 0

9 Yeas: Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Marty,
10 Mehlhaff, Nelson, Perry, Peterson (Sue), Pischke, Rohl, Voight, and Voita

11 Nays: Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Larson, Miskimins, Otten, Reed,
12 Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

13 Excused: Beal

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 President declared the motion carried and **SB 190** was up for reconsideration and final passage.

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

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

18 Sen. Grove moved that **SB 190** be amended as follows:

19 190F

20 On page 2, line 29, of the Senate Judiciary Engrossed bill, delete "A " and insert "Except as
21 provided in sections 5 of this Act, a "

22 On page 3, line 10, of the Senate Judiciary Engrossed bill, delete "Notwithstanding the
23 requirements of section 4 of this Act, any person, private entity, state agency, political subdivision
24 of this state, or employee of a state agency or political subdivision may perform any of the actions,
25 listed in section 4 of this Act, to a minor child without the consent of the minor child's parent if:

26 (1) It is not possible to communicate with the minor child's parent in order to receive the
27 parent's consent; and

28 (2) It is necessary to act to prevent:

29 (a) Imminent, irreparable physical injury to the minor child; or

30 (b) The minor child's death." and insert "

31 Notwithstanding the requirements of section 4 of this Act, a licensed physician or other health
32 professional, acting within the professional's scope of practice, may:

33 (1) Perform an examination of a minor child to determine whether, in the opinion of the treating
34 physician or health professional, exercising competent medical judgement, the minor child requires
35 emergency medical care and services; or

(2) Perform any of the actions listed in section 4 of this Act to a minor child without the consent of the minor child's parent if:

(a) The licensed physician or health professional is permitted to perform the action under § 20-9-4.2;

(b) The minor is accompanied by an individual who has documentation signed by the minor child's parent authorizing the individual to make decisions regarding the minor child's health care; or

(c) The licensed physician or health professional relies in good faith on the representation of an individual, that the individual has been granted authority by the minor child's parent to make decisions regarding the minor child's health."

Which motion prevailed.

The question being "Shall **SB 190** pass as amended?"

And the roll being called:

Yeas 19, Nays 15, Excused 1, Absent 0

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

Nays: Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Larson, Miskimins, Otten, Reed, Sauder, Schoenfish, Smith, Vilhauer, 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.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Judiciary on **SB 208** as found on page 257 of the Senate Journal; and

Taxation on **SB 118** as found on page 258 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

Sen. Crabtree moved that **SB 118** be placed on the calendar of Tuesday, February 24, 2026, the 27th legislative day, pursuant to JR 6F-6.

The question being on Sen. Crabtree's motion that **SB 118** be placed on the calendar of Tuesday, February 24, 2026, the 27th legislative day, pursuant to JR 6F-6.

And the roll being called:

Yeas 20, Nays 14, Excused 1, Absent 0

1 Yeas: Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Hulse, Kolbeck (Steve),
2 Larson, Mehlhaff, Miskimins, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

3 Nays: Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, Otten, Perry,
4 Peterson (Sue), Pischke, Voight, and Voita

5 Excused: Beal

6 So the motion having received an affirmative vote of a majority of the members-elect, the
7 President declared the motion prevailed and **SB 118** was so placed.

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

9 The President declared that **SB 158**, **SB 169**, **SB 182**, and **SB 184** were withdrawn at the
10 request of the prime sponsors pursuant to JR 6B-1.1.

11 The President declared that **SB 211** changed prime sponsor from Senator Deibert to
12 Senator Reed at their request.

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

14 **HB 1238:** FOR AN ACT ENTITLED, An Act to protect financial institutions taking action to
15 prevent the financial exploitation of consenting, senior, or vulnerable adults.

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

17 **HB 1149:** FOR AN ACT ENTITLED, An Act to adopt the athletic trainer licensure compact.

18 **HB 1313:** FOR AN ACT ENTITLED, An Act to require education in prenatal human growth and
19 development.

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

21 **HB 1258:** FOR AN ACT ENTITLED, An Act to require that a property tax bill provide access to
22 a state website providing property tax information.

23 **HB 1320:** FOR AN ACT ENTITLED, An Act to revise a provision related to service of process
24 for boards of county commissioners.

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

26 **HB 1193:** FOR AN ACT ENTITLED, An Act to modify the provisions for a refund of taxes to
27 disabled veterans and surviving spouses under certain property tax relief programs.

28 Was read the first time and referred to the Committee on Taxation.

29 **HB 1209:** FOR AN ACT ENTITLED, An Act to require employment verification eligibility through
30 the e-verify program and to provide a penalty therefor.

31 Was read the first time.

The following bill was read on February 12, 2026, and today the President Pro Tem assigned this bill to committee:

HB 1105 was referred to the Committee on Health and Human Services.

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

SB 138: FOR AN ACT ENTITLED, An Act to revise the time within which a recount for a school board election must be completed.

The executive reappointment of Kurt D. Hall, to the South Dakota Board of Pardons and Parole.

Were read the second time.

The question being "Shall **SB 138** pass, and does the Senate advise and consent to the executive reappointment of Kurt D. Hall, to the South Dakota Board of Pardons and Parole?"

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 20: FOR AN ACT ENTITLED, An Act to make an appropriation for tax refunds for elderly persons and persons with a disability, and to declare an emergency.

Was read the second time.

The question being "Shall **SB 20** pass?"

And the roll being called:

Yeas 30, Nays 4, Excused 1, Absent 0

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

Nays: Blanc, Carley, Howard, and Pischke

Excused: Beal

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

SB 55: FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of extraordinary litigation expenses and to declare an emergency.

Was read the second time.

The question being "Shall **SB 55** 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 bill having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 97: FOR AN ACT ENTITLED, An Act to adjust a limit on the percentage increase in revenue payable from property taxes.

Was read the second time.

Sen. Deibert moved that **SB 97** be amended as follows:

97G

On page 1, line 1, of the Introduced bill, delete " in revenue payable from" and insert " on new growth allowed in the calculation of"

On page 1, line 12, of the Introduced bill, delete " percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of property separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only if assessed the same as property of equal value" and insert " growth factor"

On page 1, line 17, of the Introduced bill, delete ", an increase in revenue payable to a taxing district allowed under this paragraph may not exceed three five percent" and insert ":

(1) For a taxing district where the growth factor is no greater than three percent, the percentage increase in revenue payable to the taxing district allowed under this paragraph is equal to the growth factor;

(2) For a taxing district where the growth factor is greater than "

On page 1, line 19, of the Introduced bill, after "percent" insert "thr"

On page 1, line 19, of the Introduced bill, after "percent" insert "ee percent, the percentage increase in revenue payable to the taxing district allowed under this paragraph is equal to the sum of:

(a) Three percent; and

(b) Sixty percent of the amount of the growth factor in excess of three percent"

1 On page 2, line 6, of the Introduced bill, after "dwelling." insert "

2 For purposes of this section, "growth factor" means the percentage increase of value resulting
3 from any improvements or change in use of real property, annexation, minor boundary changes,
4 and any adjustments in taxation of property separately classified and subject to statutory
5 adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only
6 if assessed the same as property of equal value."

7 Sen. Howard moved as a substitute motion that **SB 97** be amended as follows:

8 97E

9 On page 1, line 12, of the Introduced bill, delete " percentage increase of value resulting from
10 any improvements or change in use of real property, annexation, minor boundary changes, and any
11 adjustments in taxation of property separately classified and subject to statutory adjustments and
12 reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only if assessed the
13 same as property of equal value" and insert " growth factor"

14 On page 1, line 19, of the Introduced bill, delete " five percent" and insert " one-half of the
15 growth factor"

16 On page 2, line 6, of the Introduced bill, after "dwelling." insert "

17 For purposes of this section, "growth factor" means the percentage increase of value resulting
18 from any improvements or change in use of real property, annexation, minor boundary changes,
19 and any adjustments in taxation of property separately classified and subject to statutory
20 adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only
21 if assessed the same as property of equal value."

22 Sen. Rohl requested a roll call vote.

23 Which request was supported.

24 The question being on Sen. Howard's substitute motion that **SB 97** be amended with 97E.

25 And the roll being called:

26 Yeas 16, Nays 18, Excused 1, Absent 0

27 Yeas: Blanc, Carley, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson,
28 Perry, Peterson (Sue), Pischke, Voight, and Voita

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

31 Excused: Beal

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

34 The question now being on Sen. Deibert's pending motion to amend **SB 97** with 97G as found
35 on page 274 of the Senate Journal.

36 Sen. Rohl requested a roll call vote.

37 Which request was supported.

1 And the roll being called:

2 Yeas 18, Nays 16, Excused 1, Absent 0

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

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

7 Excused: Beal

8 So the motion having received an affirmative vote of a majority of the members present, the
9 President declared the motion prevailed.

10 The question being "Shall **SB 97** pass as amended?"

11 And the roll being called:

12 Yeas 18, Nays 16, Excused 1, Absent 0

13 Yeas: Crabtree, Davis, Deibert, Duhamel, Hulse, Kolbeck (Steve), Larson, Mehlhaff, Miskimins,
14 Otten, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

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

17 Excused: Beal

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

20 **SB 98:** FOR AN ACT ENTITLED, An Act to prevent virtual currency kiosk fraud.

21 Was read the second time.

22 Sen. Carley moved that **SB 98** be amended as follows:

23 98D

24 On page 1, line 11, of the Introduced bill, after "technology;

25 (3)" insert ""Existing customer," a user that has been registered as a customer of a licensee
26 for more than seventy-two hours;

27 (4) "

28 On page 1, line 14, of the Introduced bill, delete "(4)" and insert "(5) "New customer," a user
29 that has been registered as a customer of a licensee for seventy-two hours or less;

30 (6)"

31 On page 1, line 16, of the Introduced bill, delete "(5)" and insert "(7)"

32 On page 1, line 19, of the Introduced bill, delete "(6)" and insert "(8)"

33 On page 2, line 7, of the Introduced bill, delete "(7)" and insert "(9)"

1 On page 3, line 26, of the Introduced bill, delete the semicolon and insert a period

2 On page 4, line 31, of the Introduced bill, delete " issue a full refund to any user that:

3 (1) Is the victim of a fraudulent virtual currency transaction involving a virtual currency kiosk
4 operated by the licensee;

5 (2) Within ninety days after the last occurrence of fraud or of becoming aware of the fraud,
6 informs the licensee of all fraudulent transactions at issue; and

7 (3) Within one hundred twenty days after contacting the licensee, submits to the licensee a
8 copy of any police report or government agency report or a sworn statement detailing all known
9 fraudulent activity.

10 Within seventy-two hours of the user's satisfaction of all conditions in this section, the licensee
11 must issue a full refund to the user, including all charges paid by the user in connection with the
12 fraudulent transaction" and insert " place a seventy-two hour hold on any virtual currency
13 transaction initiated by a new customer"

14 On page 5, line 8, of the Introduced bill, after "transaction." insert "

15 At any time during the seventy-two-hour hold period, if requested by the new customer or
16 pursuant to procedures established by the licensee, the licensee must cancel the transaction.

17 Upon cancellation of the transaction pursuant to this section, the licensee shall promptly return
18 any moneys expended by the new customer in the transaction, less any irreversible third-person
19 network fee.

20 During the seventy-two-hour hold period pursuant to this section, the licensee may not:

21 (1) Provide provisional credit, vouchers, or off-chain ledger postings, which make moneys or
22 virtual currency available to the new customer or any third person; or

23 (2) Represent or certify to any person that any money or virtual currency is available or
24 transferrable before settlement of the transaction.

25 Nothing in this section may be construed to require the licensee to hold or refund any
26 transaction of an existing customer, or to prohibit the licensee from verifying a new customer's
27 identity or providing proof of initiation of a transaction prior to cancellation of the transaction."

28 On page 5, line 11, of the Introduced bill, delete " one" and insert " two"

29 On page 5, line 11, of the Introduced bill, after "thousand" insert " five hundred"

30 On page 5, line 12, of the Introduced bill, delete " any user" and insert " each new customer,
31 adjusted annually by the rate of inflation for the twelve-month period ending in June of the prior
32 year, according to the consumer price index or a successor index"

33 On page 5, line 13, of the Introduced bill, delete " thirty-day virtual currency" and insert "
34 daily"

35 On page 5, line 13, of the Introduced bill, delete " not exceeding ten thousand dollars" and
36 insert " of ten thousand five hundred dollars"

37 On page 5, line 14, of the Introduced bill, delete " any user" and insert " each existing
38 customer"

39 On page 6, line 9, of the Introduced bill, after "Act" insert ", 31 U. S. C. §§ 5311 to 5336,
40 inclusive (January 1, 2026)"

1 Sen. Carley withdrew his motion to amend **SB 98** with 98D.

2 Sen. Karr moved that **SB 98** be placed to follow **SB 227** on today's calendar.

3 Which motion prevailed.

4 **SB 111:** FOR AN ACT ENTITLED, An Act to require that social media companies provide
5 collected personal data of a user at the user's request and maintain transparent interoperability
6 interfaces.

7 Was read the second time.

8 Sen. Rohl moved that **SB 111** be amended as follows:

9 111D

10 On page 3, line 10, of the Senate State Affairs Engrossed bill, delete "Connects" and insert "
11 Has a primary function to connect"

12 On page 3, line 12, of the Senate State Affairs Engrossed bill, delete " and" and insert "

13 (e) Allows users to populate a public or semipublic list of social connections;"

14 On page 3, line 13, of the Senate State Affairs Engrossed bill, delete "(e)" and insert "(f)"

15 On page 3, line 14, of the Senate State Affairs Engrossed bill, after "services;" insert " and

16 (g) Is not a service or application that consists primarily of news, sports, entertainment,
17 electronic commerce, or content that is preselected by the provider, or for which any chat,
18 comments, or interactive functionality is incidental to, directly related to, or dependent on the
19 provision of the content;"

20 Which motion prevailed.

21 The question being "Shall **SB 111** pass as amended?"

22 And the roll being called:

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

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

28 Excused: Beal

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

33 Was read the second time.

1 Sen. Crabtree moved that **SB 146** be laid on the table.

2 The question being on Sen. Crabtree's motion that **SB 146** be laid on the table.

3 And the roll being called:

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

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

9 Excused: Beal

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion carried and **SB 146** was tabled.

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

14 Was read the second time.

15 The question being "Shall **SB 179** pass?"

16 And the roll being called:

17 Yeas 28, Nays 6, Excused 1, Absent 0

18 Yeas: Crabtree, Davis, Deibert, Duhamel, Hohn, Howard, Hulse, Jensen (Kevin), Karr,
19 Kolbeck (Steve), Lapka, Larson, Mehlhaff, Miskimins, Nelson, Otten, Perry, Pischke, Reed, Rohl,
20 Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wipf, and Zikmund

21 Nays: Blanc, Carley, Foster, Grove, Marty, and Peterson (Sue)

22 Excused: Beal

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

27 Was read the second time.

28 The question being "Shall **SB 183** pass as amended?"

29 And the roll being called:

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

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

1 Excused: Beal

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

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

5 Was read the second time.

6 The question being "Shall **SB 187** pass?"

7 And the roll being called:

8 Yeas 11, Nays 23, Excused 1, Absent 0

9 Yeas: Blanc, Carley, Hohn, Howard, Lapka, Mehlhaff, Nelson, Perry, Peterson (Sue), Voita, and
10 Zikmund

11 Nays: Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hulse, Jensen (Kevin), Karr,
12 Kolbeck (Steve), Larson, Marty, Miskimins, Otten, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith,
13 Vilhauer, Voight, and Wipf

14 Excused: Beal

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

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

19 Was read the second time.

20 The question being "Shall **SB 195** pass?"

21 And the roll being called:

22 Yeas 17, Nays 17, Excused 1, Absent 0

23 Yeas: Blanc, Carley, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson,
24 Otten, Perry, Peterson (Sue), Pischke, Voight, and Voita

25 Nays: Crabtree, Davis, Deibert, Duhamel, Hulse, Kolbeck (Steve), Larson, Mehlhaff, Miskimins,
26 Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

27 Excused: Beal

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

30 Sen. Karr announced his intention to reconsider the vote by which **SB 195** lost.

31 **SB 198**: FOR AN ACT ENTITLED, An Act to restrict the use of a cell phone by a student during
32 the school day.

33 Was read the second time.

1 The question being "Shall **SB 198** pass as amended?"

2 And the roll being called:

3 Yeas 19, Nays 15, Excused 1, Absent 0

4 Yeas: Blanc, Carley, Crabtree, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Larson,
5 Mehlhaff, Otten, Perry, Peterson (Sue), Pischke, Rohl, Voight, Voita, and Zikmund

6 Nays: Davis, Deibert, Duhamel, Hulse, Kolbeck (Steve), Lapka, Marty, Miskimins, Nelson,
7 Reed, Sauder, Schoenfish, Smith, Vilhauer, and Wipf

8 Excused: Beal

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 205:** FOR AN ACT ENTITLED, An Act to revise registration fees for drones and establish a
12 fund to support drone aviation.

13 Was read the second time.

14 The question being "Shall **SB 205** pass?"

15 And the roll being called:

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

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

21 Nays: Deibert and Duhamel

22 Excused: Beal and Rohl

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 223:** FOR AN ACT ENTITLED, An Act to modify the requirements for a petition to refer an
26 excess tax levy of a school district to a vote.

27 Was read the second time.

28 The question being "Shall **SB 223** pass as amended?"

29 And the roll being called:

30 Yeas 20, Nays 14, Excused 1, Absent 0

31 Yeas: Blanc, Carley, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Marty,
32 Mehlhaff, Nelson, Perry, Peterson (Sue), Pischke, Rohl, Voight, Voita, and Zikmund

33 Nays: Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Larson, Miskimins, Otten, Reed,
34 Sauder, Schoenfish, Smith, Vilhauer, and Wipf

1 Excused: Beal

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

4 **SB 227:** FOR AN ACT ENTITLED, An Act to establish a minimum damage threshold for a motor
5 vehicle total loss declaration.

6 Was read the second time.

7 The question being "Shall **SB 227** pass?"

8 And the roll being called:

9 Yeas 27, Nays 6, Excused 2, Absent 0

10 Yeas: Blanc, Crabtree, Davis, Deibert, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
11 Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Reed, Rohl,
12 Sauder, Schoenfish, Vilhauer, Voight, Voita, Wipf, and Zikmund

13 Nays: Carley, Duhamel, Foster, Grove, Hohn, and Smith

14 Excused: Beal and Pischke

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

17 **SB 98:** FOR AN ACT ENTITLED, An Act to prevent virtual currency kiosk fraud.

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

19 Sen. Carley moved that **SB 98** be amended as follows:

20 98E

21 On page 1, line 11, of the Senate Commerce and Energy Engrossed bill, after "technology;

22 (3)" insert ""Existing customer," a user that has been registered as a customer of a licensee
23 for more than seventy-two hours;

24 (4) " On page 1, line 14, of the Senate Commerce and Energy Engrossed bill, delete "(4)" and
25 insert "

26 (5) "New customer," a user that has been registered as a customer of a licensee for seventy-
27 two hours or less;

28 (6)" On page 1, line 16, of the Senate Commerce and Energy Engrossed bill, delete "(5)" and
29 insert "

30 (7)" On page 1, line 19, of the Senate Commerce and Energy Engrossed bill, delete "(6)" and
31 insert "

32 (8)" On page 2, line 7, of the Senate Commerce and Energy Engrossed bill, delete "(7)" and
33 insert "

34 (9)" On page 4, line 32, of the Senate Commerce and Energy Engrossed bill, delete "A licensee
35 shall issue a full refund to any user that:

(1) Is the victim of a fraudulent virtual currency transaction involving a virtual currency kiosk operated by the licensee;

(2) Within ninety days after the last occurrence of fraud or of becoming aware of the fraud, informs the licensee of all fraudulent transactions at issue; and

(3) Within one hundred twenty days after contacting the licensee, submits to the licensee a copy of any police report or government agency report or a sworn statement detailing all known fraudulent activity.

Within seventy-two hours of the user's satisfaction of all conditions in this section, the licensee must issue a full refund to the user, including all charges paid by the user in connection with the fraudulent transaction." and insert "A licensee shall place a seventy-two hour hold on any virtual currency transaction initiated by a new customer.

At any time during the seventy-two-hour hold period, if requested by the new customer or pursuant to procedures established by the licensee, the licensee must cancel the transaction.

Upon cancellation of the transaction pursuant to this section, the licensee shall promptly return any moneys expended by the new customer in the transaction, less any irreversible third-person network fee.

During the seventy-two-hour hold period pursuant to this section, the licensee may not:

(1) Provide provisional credit, vouchers, or off-chain ledger postings, which make moneys or virtual currency available to the new customer or any third person; or

(2) Represent or certify to any person that any money or virtual currency is available or transferrable before settlement of the transaction.

Nothing in this section may be construed to require the licensee to hold or refund any transaction of an existing customer, or to prohibit the licensee from verifying a new customer's identity or providing proof of initiation of a transaction prior to cancellation of the transaction."

On page 5, line 11, of the Senate Commerce and Energy Engrossed bill, delete " one" and insert " two"

On page 5, line 11, of the Senate Commerce and Energy Engrossed bill, after "thousand" insert " five hundred"

On page 5, line 12, of the Senate Commerce and Energy Engrossed bill, delete " any user" and insert " each new customer, adjusted annually by the rate of inflation for the twelve-month period ending in June of the prior year, according to the consumer price index or a successor index"

On page 5, line 13, of the Senate Commerce and Energy Engrossed bill, delete " thirty-day virtual currency" and insert " daily"

On page 5, line 13, of the Senate Commerce and Energy Engrossed bill, delete " not exceeding ten thousand dollars" and insert " of ten thousand five hundred dollars"

On page 5, line 14, of the Senate Commerce and Energy Engrossed bill, delete " any user" and insert " each existing customer"

Sen. Rohl requested a roll call vote.

Which request was supported.

The question being on Sen. Carley's motion that **SB 98** be amended.

1 And the roll being called:

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

3 Yeas: Blanc, Carley, and Jensen (Kevin)

4 Nays: Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Karr,
5 Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue),
6 Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wipf, and Zikmund

7 Excused: Beal and Pischke

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

10 The question being "Shall **SB 98** pass as amended?"

11 And the roll being called:

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

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

16 Nays: Blanc and Carley

17 Excused: Beal and Pischke

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

21 **HB 1020:** FOR AN ACT ENTITLED, An Act to increase the maximum amount allowable for the
22 livestock ownership inspection fee and to declare an emergency.

23 Was read the second time.

24 The question being "Shall **HB 1020** pass?"

25 And the roll being called:

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

27 Yeas: Crabtree, Davis, Deibert, Duhamel, Grove, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),
28 Larson, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Reed, Rohl, Sauder, Schoenfish,
29 Smith, Vilhauer, Voight, Voita, Wipf, and Zikmund

30 Nays: Blanc, Carley, Foster, Hohn, Howard, Lapka, and Marty

31 Excused: Beal and Pischke

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

SIGNING OF BILLS

The President publicly read the title to

SB 67: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to emergencies and disasters impacting the state and to declare an emergency.

SB 68: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to the suppression of wildfires impacting the state and to declare an emergency.

SB 117: FOR AN ACT ENTITLED, An Act to make an appropriation for the design and construction of a new soccer venue at South Dakota State University and to declare an emergency.

HB 1080: FOR AN ACT ENTITLED, An Act to allow a business owner who is a veteran to display military specialty plates on a noncommercial vehicle registered to the veteran's business and to limit personal liability to the business owner and veteran.

And signed the same in the presence of the Senate.

COMMEMORATIONS

SC 808: A LEGISLATIVE COMMEMORATION commending and honoring Richard Schlosser, a member of the Frederick Area School District Board of Education, on his 25 years of school board service.

Introduced by: **Senators** Schoenfish, Deibert, and Perry and **Representative** Muckey

SC 809: A LEGISLATIVE COMMEMORATION commending and honoring Duane Alm for his more than sixty years of dutiful service to the Aberdeen School District as an educator, administrator, and school board member, and for being the recipient of the Associated School Boards of South Dakota's School Bell Award for 2025.

Introduced by: **Senators** Schoenfish, Deibert, and Perry and **Representative** Muckey

SC 810: A LEGISLATIVE COMMEMORATION commending and honoring the Hill City School Board on its selection as the Associated School Boards of South Dakota Outstanding School Board of South Dakota for 2025.

Introduced by: **Senators** Schoenfish, Deibert, Hulse, and Perry and **Representative** Muckey

SC 811: A LEGISLATIVE COMMEMORATION commending and honoring Amber Vogt, a member of the Lead-Deadwood School District Board of Education, on her selection as the Associated School Boards of South Dakota Outstanding School Board Member of South Dakota for 2025.

Introduced by: **Senators** Schoenfish, Deibert, and Perry and **Representative** Muckey

Sen. Jensen (Kevin) moved that the Senate do now adjourn, which motion prevailed and at 6:00 p.m. the Senate adjourned.

Peggy Laurenz, Secretary

