

# *JOURNAL OF THE SENATE*

## *ONE HUNDRED FIRST SESSION*

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TWENTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, February 18, 2026

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

The prayer was offered by the Chaplain, Rev. John Fette, followed by the Pledge of Allegiance led by Senate pages Ada Rider and Grant Roth.

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 22nd 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

**COMMUNICATIONS AND PETITIONS**

2

February 12, 2026

3

The Honorable Tonnis H. Venhuizen

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

8

Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed Kory Bierle, of Haakon County, Midland, South Dakota, to the State Brand Board.

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11

This appointment is effective February 12, 2026, and shall continue until January 1, 2029.

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14

Sincerely,  
Larry Rhoden  
Governor

15

The President announced the referral of the appointment to the Committee on Agriculture and Natural Resources.

16

17

**REPORTS OF STANDING COMMITTEES**

18

MR. PRESIDENT:

19

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 110** and returns the same with the recommendation that said bill be amended as follows:

20

21

110B

22

On page 2, line 5, of the Introduced bill, after "information;

23

(e)" delete "Geolocation information sufficient to identify the street name and municipality of the user;"

24

25

On page 2, line 12, of the Introduced bill, after "children;" insert " and"

26

On page 2, line 13, of the Introduced bill, after "children;

27

(j)" delete "Information that relates to the quantity, technical configuration, type, destination, and location of use of the broadband internet access service;"

28

29

On page 2, line 15, of the Introduced bill, after "

30

(k)" delete "Mailing address, physical address, email address, and phone number; and"

31

On page 2, line 16, of the Introduced bill, after "and" delete "(l)"

32

On page 3, line 1, of the Introduced bill, after "cost;" insert " and"

33

On page 3, line 2, of the Introduced bill, after "misleading" delete "; and"

1 On page 3, line 3, of the Introduced bill, after "and

2 (7)" delete "Persistently available through all methods the service provider gives customers for  
3 account management"

4 On page 4, line 26, of the Introduced bill, after "Act." insert "

5 Providers that utilize reasonable measures to protect customer personal information may not  
6 be liable for unauthorized access to customer personal information. "

7 On page 5, line 2, of the Introduced bill, after "available " delete "through all methods the  
8 service provider gives customers for account management"

9 On page 5, line 7, of the Introduced bill, after "collects;" insert " and"

10 On page 5, line 8, of the Introduced bill, after "collects;

11 (3)" delete "The categories of entities to which the service provider discloses, sells, or permits  
12 access to customer personal information, and the purposes for which each category of entity will  
13 use the information; and"

14 On page 5, line 11, of the Introduced bill, after "and" delete "(4)"

15 On page 5, after line 27, of the Introduced bill, insert: "

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

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

19 And that as so amended, returns **SB 110** without recommendation.

20 Respectfully submitted,  
21 Jim Mehlhaff, Chair

22 MR. PRESIDENT:

23 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
24 **SB 175** and returns the same with the recommendation that said bill be amended as follows:

25 175C

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

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

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

31 On page 3, line 8, of the Introduced bill, after "or

32 (c)" insert "A consular report of birth abroad issued by the United States Department of State  
33 for the individual;

34 (d) "

35 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."

And that as so amended, returns **SB 175** without recommendation.

Respectfully submitted,  
Jim Mehlhaff, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 127 and 128** which were deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 135** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,  
Jim Mehlhaff, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 236** and returns the same with the recommendation that said bill be amended as follows:

236A

On page 1, line 21, of the Introduced bill, delete " odd-numbered" and insert " third"

On page 2, line 5, of the Introduced bill, after "§ 31-34-2" delete ", for:

(a) Allocation to rural access distribution funds; and

(b) Payment of expenses associated with the small structures inventoried with the department"

And that as so amended, **SB 236** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **SB 237** and returns the same with the recommendation that said bill be amended as follows:

237B

On page 1, line 1, of the Introduced bill, delete "establish additional notice and hearing requirements for applicants seeking conditional use permits for proposed uses that materially affect public infrastructure or rights-of way" and insert "require that counties provide written notice to township supervisors of conditional use applications and appeals"

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 1. That a NEW SECTION be added to chapter 11-2:**

A county shall provide to each township supervisor who has an oath filed in the office of the county auditor, pursuant to § 8-4-3, written notice of any application for the conditional use of real property or any appeal filed pursuant to this chapter, for property located in the township, at least ten days before the board of adjustment or other approving authority holds a public hearing on the application or appeal."

And that as so amended, **SB 237** do pass.

Respectfully submitted,  
Tim S. Reed, Chair

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **SB 87** and returns the same with the recommendation that said bill be amended as follows:

87B

On page 4, line 16, of the Introduced bill, delete " at least two hours of" and insert " appropriate"

On page 4, line 17, of the Introduced bill, delete " through a program or course based on the minimum training recommendations set forth in Appendix C of the second edition of the National Training Standards for Sexual Assault Medical Forensic Examiners, published by the United States Department of Justice (August 1, 2018)" and insert ", as determined by the hospital or clinic, to conduct the examination"

On page 4, line 22, of the Introduced bill, delete " the" and insert " any additional"

On page 4, line 22, of the Introduced bill, delete " required by this section" and insert a comma

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

On page 4, line 24, of the Introduced bill, delete the comma and insert " as determined by the hospital or clinic,"

1 On page 4, line 30, of the Introduced bill, after "on-site" delete ", and if so, identify the types  
2 of providers who administer the examinations"

3 On page 4, line 33, of the Introduced bill, delete ":

4 (a) Identify a hospital or clinic to which a patient may be referred or transferred for an  
5 examination;

6 (b) Specify the timeframe, after presentation, within which a patient must be referred or  
7 transferred for an examination; and

8 (c) Ensure" and insert ", address timely"

9 On page 5, line 5, of the Introduced bill, delete " are timely, safe, and" and insert " to another  
10 hospital or clinic that provides examinations, in order to best"

11 On page 5, line 8, of the Introduced bill, delete " in:

12 (a) The collection, preservation, storage, and transportation of evidence;

13 (b) The administration and processing of sexual assault kits in accordance with chapter 23-5C;  
14 and

15 (c) The" and insert " for the processing, storage, and"

16 On page 5, line 14, of the Introduced bill, after "applicable;" insert " and"

17 On page 5, line 16, of the Introduced bill, after "advocates" delete ";

18 (6) Incorporate trauma-informed care practices; and

19 (7) Ensure patient privacy and dignity"

20 On page 5, line 19, of the Introduced bill, after "dignity." delete "The hospital shall publish the  
21 policies and procedures on the hospital's website. The hospital shall provide an informational sheet  
22 that summarizes the policies and procedures to a patient upon request."

23 On page 5, line 27, of the Introduced bill, delete ":

24 (a) Identify a hospital or clinic to which a patient may be referred or transferred for an  
25 examination;

26 (b) Specify the timeframe, after presentation, within which a patient must be referred or  
27 transferred for an examination; and

28 (c) Ensure" and insert ", address timely"

29 On page 5, line 32, of the Introduced bill, after "referrals" delete " are timely, safe, and"

30 On page 5, line 32, of the Introduced bill, after "and " insert "to another hospital or clinic that  
31 provides examinations, in order to best "

32 On page 5, line 34, of the Introduced bill, delete " in:

33 (a) The collection, preservation, storage, and transportation of evidence;

34 (b) The administration and processing of sexual assault kits in accordance with chapter 23-5C;  
35 and

1 (c) The" and insert " for the processing, storage, and"

2 On page 6, line 6, of the Introduced bill, after "applicable;" insert " and"

3 On page 6, line 8, of the Introduced bill, after "advocates" delete ";

4 (6) Incorporate trauma-informed care practices; and

5 (7) Ensure patient privacy and dignity"

6 On page 6, line 11, of the Introduced bill, after "dignity." delete "The clinic shall publish the  
7 policies and procedures on the clinic's website. The clinic shall provide an informational sheet that  
8 summarizes the policies and procedures to a patient upon request."

9 And that as so amended, **SB 87** do pass, and having been certified as uncontested, be placed  
10 on the consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Senate Health and Human Services respectfully reports that it has had  
13 under consideration **SB 233** which was deferred to the 41st Legislative Day.

14 Respectfully submitted,  
15 Kevin D. Jensen, Chair

16 MR. PRESIDENT:

17 The Committee on Senate Transportation respectfully reports that it has had under  
18 consideration **SB 219** and returns the same with the recommendation that said bill be amended as  
19 follows:

20 219B

21 On page 1, line 1, of the Introduced bill, delete " when" and insert " prior to"

22 On page 1, line 10, of the Introduced bill, delete " when" and insert " prior to"

23 On page 1, line 11, of the Introduced bill, delete " including" and insert " excluding"

24 On page 1, line 14, of the Introduced bill, after "information." insert "

25 The requirements of this section do not apply to the Board of Regents or any institutions of  
26 higher education under the control of the board, if the board determines that the primary use of the  
27 aircraft is for educational purposes."

28 And that as so amended, **SB 219** do pass, and having been certified as uncontested, be placed  
29 on the consent calendar.

30 Also MR. PRESIDENT:

31 The Committee on Senate Transportation respectfully reports that it has had under  
32 consideration **SB 240** with the recommendation that said bill be referred to the Joint Committee on  
33 Appropriations with a Do Pass recommendation.

1 Also MR. PRESIDENT:

2 The Committee on Senate Transportation respectfully reports that it has had under  
3 consideration **HB 1227** and returns the same with the recommendation that said bill do pass.

4 Respectfully submitted,  
5 Randy Deibert, Chair

6 MR. PRESIDENT:

7 The Senate Committee on Appropriations respectfully reports that it has had under  
8 consideration **HB 1018** and returns the same with the recommendation that said bill do pass.

9 Respectfully submitted,  
10 Ernie Otten, Chair

11 MR. PRESIDENT:

12 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
13 Enrolling has carefully compared **SB 63** and finds the same correctly enrolled.

14 Respectfully submitted,  
15 Chris Karr, Chair

16 **MESSAGES FROM THE HOUSE**

17 MR. PRESIDENT:

18 I have the honor to transmit herewith **HB 1065, 1146, 1148, 1173, 1219, 1241, 1250,**  
19 **and 1264** which have passed the House and your favorable consideration is respectfully requested.

20 Also MR. PRESIDENT:

21 I have the honor to transmit herewith **HCR 6011** which has been adopted by the House and  
22 your concurrence is respectfully requested.

23 Also MR. PRESIDENT:

24 I have the honor to return herewith **SB 63** which has passed the House without change.

25 Respectfully,  
26 Patricia Miller, Chief Clerk

27 **MOTIONS AND RESOLUTIONS**

28 Sen. Mehlhaff moved that **SB 208** be deferred to Thursday, February 19, 2026, the 24th  
29 legislative day.

30 Which motion prevailed.



**HCR 6011:** A CONCURRENT RESOLUTION encouraging the Executive Board of the Legislative Research Council to form an interim Neurohealth Safety Committee to study and assess the regulatory framework under which vapor product retail establishments operate.

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

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

Sen. Karr moved that the Senate do now reconsider the vote by which **SB 195** lost.

Sen. Reed rose to a point of order that Senator Karr's comments stick to the reconsideration motion and not the merits of the bill.

The President ruled in favor of Senator Reed's point of order.

The question being on Sen. Karr's motion to reconsider the vote by which **SB 195** lost.

And the roll being called:

Yeas 16, Nays 17, Excused 2, Absent 0

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

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

Excused: Beal and Rohl

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

## CONSIDERATION OF REPORTS OF COMMITTEES

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

Education on **SB 218** as found on page 266 of the Senate Journal be adopted.

Which motion prevailed and the report was adopted.

## FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that **SB 207** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

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

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2

**HB 1264:** FOR AN ACT ENTITLED, An Act to eliminate the Agricultural Land Assessment Implementation and Oversight Advisory Task Force, and to provide that the Department of Revenue receive the submission of recommendations and provide a report on agricultural value.

5

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

6

**HB 1173:** FOR AN ACT ENTITLED, An Act to require certain applicants that seek a permit from the Public Utilities Commission of the State of South Dakota to prepare and pay for an environmental impact statement.

9

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

10

**HB 1065:** FOR AN ACT ENTITLED, An Act to revise the medical purpose affirmative defense in cannabis prosecution.

11

12

**HB 1146:** FOR AN ACT ENTITLED, An Act to adopt the physician assistant licensure compact.

13

**HB 1148:** FOR AN ACT ENTITLED, An Act to adopt the respiratory care interstate compact.

14

**HB 1250:** FOR AN ACT ENTITLED, An Act to revise the types of community-based providers for purposes of state funded services.

15

16

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

17

**HB 1219:** FOR AN ACT ENTITLED, An Act to require the provision of interpreter or translator services for parties to an administrative contested case.

18

19

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

20

**HB 1241:** FOR AN ACT ENTITLED, An Act to increase the amount of value exempt from property taxes under a tax relief program for disabled veterans and surviving spouses.

21

22

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

23

The following bill was read on February 17, 2026, and today the President Pro Tem assigned this bill to committee:

24

25

**HB 1209** was referred to the Committee on State Affairs.

26

**SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS**

27

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

28

29

**HB 1019:** FOR AN ACT ENTITLED, An Act to revise provisions regarding pesticide laws.

30

**HB 1035:** FOR AN ACT ENTITLED, An Act to modify provisions related to the licensure of public accountants.

31

1 Were read the second time.

2 The question being "Shall **HB 1003 and 1019** pass as amended, and **HB 1035** pass?"

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

## 12 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 **SB 224:** FOR AN ACT ENTITLED, An Act to provide a rebuttable presumption in favor of joint  
14 physical custody of a minor child.

15 Was read the second time.

16 The question being "Shall **SB 224** pass?"

17 And the roll being called:

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

19 Yeas: Blanc, Carley, Crabtree, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve),  
20 Lapka, Marty, Nelson, Perry, Pischke, Rohl, Schoenfish, Voight, Voita, Wipf, and Zikmund

21 Nays: Davis, Deibert, Duhamel, Foster, Grove, Larson, Mehlhaff, Miskimins, Otten,  
22 Peterson (Sue), Reed, Sauder, Smith, and Vilhauer

23 Excused: Beal

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

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

27 **HB 1201:** FOR AN ACT ENTITLED, An Act to authorize the use of bingo games, lotteries, and  
28 pull-tab devices by booster clubs.

29 Was read the second time.

30 The question being "Shall **HB 1201** pass as amended?"

31 And the roll being called:

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

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

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

5 Excused: Beal

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

8 **SIGNING OF BILLS**

9 The President publicly read the title to

10 **SB 63:** FOR AN ACT ENTITLED, An Act to establish the state office of apprenticeship within the  
11 Department of Labor and Regulation.

12 **HB 1030:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the timing of  
13 municipal elections.

14 **HB 1043:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care  
15 professionals who have complied with the requirements for rural recruitment assistance programs,  
16 and to declare an emergency.

17 **HB 1118:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design and  
18 construction of an addition to the existing swine wean-to-finish barn at South Dakota State  
19 University and to declare an emergency.

20 **HB 1137:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design and  
21 construction of an athletic facility at the University of South Dakota and to declare an emergency.

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

23 Sen. Grove moved that the Senate do now adjourn, which motion prevailed and at 3:12 p.m.  
24 the Senate adjourned.

25 Peggy Laurenz, Secretary