

2026 South Dakota Legislature

House Bill 1184**AMENDMENT 1184A
FOR THE INTRODUCED BILL**

1 **An Act to define man and woman throughout the state**~~and prohibit funding for~~
2 ~~anything to the contrary.~~

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 2-14-2 be AMENDED:**

5 **2-14-2.** Terms used throughout the code of laws, as enacted by § 2-16-13, mean:

6 (1) "According to usage," that which is usual and customary;

7 (2) "Adult," any person who is not a minor, as defined in chapter 26-1;

8 (3) "Boy," a minor human male;

9 (4) "Children" includes children by birth and by adoption;

10 ~~(4)(5)~~ "Compound interest," interest added to the principal as the interest becomes due,
11 and thereafter made to bear interest;

12 ~~(5)(6)~~ "Corporate surety," a corporation acting as surety for a principal obligor, and which
13 corporation is duly authorized under the laws of this state to transact business
14 which that involves acting as ~~such~~ the surety;

15 ~~(6)(7)~~ "Creditor," except as defined and used in chapters 54-1 and 54-9, ~~everyone to~~
16 ~~whom is~~ any person owed the performance of an obligation;

17 ~~(7)(8)~~ "Day," the period from midnight to midnight;

18 ~~(8)(9)~~ "Debtor," except as defined and used in chapters 54-1 and 54-9, ~~everyone who~~
19 ~~any person that~~ owes to another the performance of an obligation;

20 ~~(9)(10)~~ "Decree," the same meaning as the word "judgment";

21 ~~(10)(11)~~ "Depose," every mode of written statement under oath or affirmation;

22 ~~(11)(12)~~ "Father," a male parent;

23 (13) "Female," an individual who naturally has, had, will have, or would have, but for a
24 congenital anomaly or intentional or unintentional disruption, the reproductive
25 system that produces, transports, and utilizes eggs for fertilization;

1 (14) "Folio," one hundred words, counting every series of figures necessarily used, as a
 2 word; and any portion of a folio when in the whole draft or paper there ~~shall not~~
 3 be is not a complete folio and when there ~~shall be~~ is any excess of the last folio;

4 ~~(12)~~(15) "Full-time equivalent" or "FTE," a number that designates staffing level where
 5 one full-time equivalent position is equal to the number of days, Monday through
 6 Friday, in a fiscal year, multiplied by eight hours per day. ~~The term excludes: paid,~~
 7 including, for purposes of salary computation, a nine month or more per year full-
 8 time teaching or research faculty person, or the equivalent thereof, at the
 9 institutions under the jurisdiction of the Board of Regents, and excluding:

10 (a) Paid overtime hours; ~~hours~~

11 (b) Hours paid to an employee assigned to a light duty position as approved by
 12 the commissioner of human resources and administration due to a
 13 temporary partial disability as defined in ~~subdivision 62-1-1(8);~~ hours § 62-
 14 1-1;

15 (c) Hours paid for accumulated annual leave and sick leave upon employee
 16 termination; ~~hours~~

17 (d) Hours paid to patient employees of the institutions under the control of the
 18 Department of Human Services or the Department of Social Services and
 19 the Department of Veterans Affairs; ~~hours~~

20 (e) Hours paid to work-study students enrolled in postsecondary educational
 21 institutions or postsecondary students employed through internships in the
 22 legislative branch, judicial branch, or the executive branch; ~~hours~~

23 (f) Hours paid to students enrolled in and employed by postsecondary
 24 educational institutions; ~~and hours~~

25 (g) Hours paid to members of boards and commissions pursuant to § 4-7-10.4.
 26 ~~For purposes of salary computation a nine month or more per year full time~~
 27 ~~teaching or research faculty person, or the equivalent thereof, at the~~
 28 ~~institutions under the jurisdiction of the Board of Regents shall be~~
 29 ~~considered one full time equivalent;~~

30 ~~(13)~~(16) "Girl," a minor human female;

31 (17) "Good faith," an honest intention to abstain from taking any unconscientious
 32 advantage of another, even through the forms or technicalities of law, together
 33 with an absence of all information or belief of facts ~~which~~ that would render the
 34 transaction unconscientious;

- 1 ~~(14)~~(18) "Indian tribe," any government of any Indian tribe ~~which that~~ is located either
2 wholly or partially within the ~~State of South Dakota and which state,~~ has a
3 constitution or a charter approved by the secretary of the United States
4 Department of the Interior, ~~and which~~ possesses the powers of self-government;
5 ~~(15)~~(19) "Male," an individual who naturally has, had, will have, or would have, but for
6 a congenital anomaly or intentional or unintentional disruption, the reproductive
7 system that produces, transports, and utilizes sperm for fertilization;
8 (20) "Man," an adult human male;
9 (21) "Month," a calendar month;
10 ~~(16)~~(22) "Mother," a female parent;
11 (23) "Municipality," any municipality organized as provided in ~~Title title~~ 9;
12 ~~(17)~~(24) "Oath" includes affirmation;
13 ~~(18)~~(25) "Person" includes natural persons, partnerships, associations, cooperative
14 corporations, limited liability companies, and corporations;
15 ~~(19)~~(26) "Personal property" includes money, goods, chattels, things in action, and
16 evidences of debt;
17 ~~(20)~~(27) "Population," the number of inhabitants as determined by the last preceding
18 federal census;
19 ~~(21)~~(28) "Property" includes property, real and personal;
20 ~~(22)~~(29) "Real property" is coextensive with lands, tenements, and hereditaments;
21 ~~(23)~~(30) "Seal" includes an impression of the seal upon ~~the paper alone, as well as upon~~
22 wax or a wafer affixed to the paper, and also the word "seal" written or printed on
23 such the paper;
24 ~~(24)~~(31) "Several," in relation to number, two or more;
25 ~~(25)~~(32) "Sex," except as used in chapters 22-24A and 22-24B, an individual's biological
26 sex, either male or female;
27 (33) "Signature or subscription" includes mark, if the person cannot write, the person's
28 name being written near ~~such the~~ mark, and written by a person who writes the
29 person's own name as a witness;
30 ~~(26)~~(34) "State," the State of South Dakota;
31 ~~(27)~~(35) "Testify," every mode of oral statement under oath or affirmation;
32 ~~(28)~~(36) "Third persons" includes all who are not parties to the obligation or transaction
33 concerning which the phrase is used;
34 ~~(29)~~(37) "Township ~~boards~~ board," the board of supervisors of any organized township;

1 ~~(30)~~(38) "Usual and customary," according to usage; usage is a reasonable and lawful
2 public custom concerning transactions of the same nature as those which are to be
3 affected thereby, existing at the place where the obligation is to be performed, and
4 either known to the parties, or so well established, general, and uniform, that they
5 must be presumed to have acted with reference thereto;

6 ~~(31)~~(39) "Valuable consideration," value, or a thing of value parted with, or a new
7 obligation assumed at the time of obtaining the thing, which is a substantial
8 compensation for that which is obtained thereby. ~~It is also called simply "value";~~

9 ~~(32)~~(40) "Verdict" includes not only the verdict of a jury, but also the finding upon the
10 facts of a judge, or of a referee appointed to determine the issues in a cause;

11 ~~(33)~~(41) "Voter," a person duly registered to vote or one who is performing the act of
12 voting;

13 ~~(34)~~(42) "Will" includes a codicil or codicils;

14 ~~(35)~~(43) "Woman," an adult human female;

15 (44) "Writing" and "written" include typewriting and typewritten, printing and printed,
16 words, except in the case of signatures, ~~and~~ where the words are used by way of
17 contrast to typewriting and printing. ~~Writing, and which~~ may be made in any
18 manner, except that when a person entitled to require the execution of a writing
19 demands that it be made with ink, it must be so made; and

20 ~~(36)~~(45) "Year," a calendar year.

21 **Section 2. That a NEW SECTION be added to chapter 2-14:**

22 The definitions of "boy," "father," "female," "girl," "male," "man," "mother," "sex,"
23 and "woman," as set forth in § 2-14-2, apply uniformly throughout all administrative rules,
24 contracts, guidance documents, policies, practices, and statutes of the state and each
25 political subdivision.

26 **Section 3. That a NEW SECTION be added to chapter 2-14:**

27 Each state agency, department, board, commission, institution, political
28 subdivision, and any other entity exercising state authority shall, in the execution of
29 applicable duties, strictly adhere to the definitions of "boy," "father," "female," "girl,"
30 "male," "man," "mother," "sex," and "woman," as set forth in § 2-14-2.

31 **~~Section 4. That a NEW SECTION be added to chapter 2-14:~~**

1 ~~A state entity may not:~~

2 ~~(1) Adopt, enforce, or give effect to any contract, guidance, interpretation, policy, or rule that~~
3 ~~conflicts with the definitions or requirements of sections 2 to 5, inclusive, of this Act; or~~

4 ~~(2) Expend public moneys for any activity, initiative, policy, or program that is contrary to or~~
5 ~~inconsistent with the definitions of "boy," "father," "female," "girl," "male," "man," "mother,"~~
6 ~~"sex," and "woman," as set forth in § 2-14-2.~~

7 **Section 5. That a NEW SECTION be added to chapter 2-14:**

8 ~~Sections 2 to 4, inclusive, of this Act must be liberally construed.~~

9 **Section 4. That § 2-14-3 be AMENDED:**

10 **2-14-3.** Notwithstanding the provisions of ~~subdivision 2-14-2(23)~~ § 2-14-2, a
11 promissory note ~~shall in no case be deemed or is not~~ considered a sealed instrument
12 where the word "seal" is printed thereon.

13 **Section 5. That § 4-7-13.1 be AMENDED:**

14 **4-7-13.1.** The financial plan adopted by the Legislature as prescribed in § 4-7-13
15 shall must separate the appropriations for full-time equivalent positions as defined in
16 ~~subdivision 2-14-2(12)~~ § 2-14-2.

17 **Section 6. That § 9-2-7 be AMENDED:**

18 **9-2-7.** For the purpose of dividing a municipality into wards, the number of
19 inhabitants is determined by ~~subdivision 2-14-2(20)~~ population, as defined in § 2-14-2.
20 The governing body may, by resolution, authorize the finance officer to determine the
21 number of inhabitants by filing a certificate showing the number of ~~persons~~ individuals
22 registered to vote in each ward of the municipality. That number multiplied by two
23 constitutes the number of inhabitants until the next federal census is completed.

24 **Section 7. That § 13-49-14.11 be AMENDED:**

25 **13-49-14.11.** There is hereby created within the Board of Regents the FTE
26 demand pool. For the purposes of this section, "FTE" means full-time equivalent as defined
27 in ~~subdivision 2-14-2(12)~~ § 2-14-2. The initial balance of the FTE demand pool ~~shall be is~~

1 established by the Legislature and may be replenished each year through the general
 2 appropriations act. Subject to the approval of the board, the universities may draw upon
 3 the pool for FTEs necessary to staff nonstate funded programs. The board shall administer
 4 the pool ~~in such a way so~~ that any unfunded FTEs are returned to the pool ~~so as to be~~ and
 5 available to be drawn for other programs.

6 **Section 8. That § 29A-5-102 be AMENDED:**

7 **29A-5-102.** Terms used in this chapter mean:

- 8 (1) "Absentee," any individual who has disappeared, who has been forcibly detained
 9 either illegally or by a foreign power, or who is otherwise located in a foreign
 10 country and is unable to return;
- 11 (2) "Conservator," one appointed by the court to be responsible for managing the
 12 estate and financial affairs of a minor or protected person;
- 13 (3) "Court representative," any individual appointed by the court to make
 14 investigations and recommendations as provided in this chapter or as otherwise
 15 ordered by the court;
- 16 (4) "Guardian," one appointed by the court to be responsible for the personal affairs
 17 of a minor or protected person, but excludes one who is merely a guardian ad
 18 litem;
- 19 (5) "Interested person," any individual who is the subject of a guardianship or
 20 conservatorship proceeding, and any entity, public agency, or other individual with
 21 an interest in the proceeding, either generally or as to a particular matter;
- 22 (6) "Limited conservator," one appointed by the court who has only those
 23 responsibilities for managing the estate and financial affairs of a minor or protected
 24 person as are specified in the order of appointment;
- 25 (7) "Limited guardian," one appointed by the court who has only those responsibilities
 26 for the personal affairs of a minor or protected person as are specified in the order
 27 of appointment;
- 28 (8) "Minor," any individual under eighteen years of age;
- 29 (9) "Person alleged to need protection," any individual for whom the appointment of a
 30 guardian or conservator is being sought other than for reasons of minority;
- 31 (10) "Protected person," any individual for whom a guardian or conservator has been
 32 appointed other than for reasons of minority.

33 ~~Unless the context otherwise requires, any~~ Any reference to a "guardian" includes
 34 a "limited guardian," and any reference to a "conservator" includes a "limited

1 conservator." ~~Any reference to a "conservator" also includes,~~ or a guardian with authority
 2 to manage the estate and financial affairs of a minor or protected person who was
 3 appointed prior to July 1, 1993. Any reference to a "person" refers to ~~either~~ an "interested
 4 person," a "person alleged to need protection," or a "protected person," ~~as the context~~
 5 ~~requires,~~ and but does not refer to a "person" as defined in § 2-14-2(18).

6 **Section 9. That § 32-5-2 be AMENDED:**

7 **32-5-2.** Every owner, or with written authorization, any other person, as defined
 8 ~~by subdivision 2-14-2(18) in § 2-14-2,~~ on behalf of and as the agent for the owner, of a
 9 motor vehicle, motorcycle, truck tractor, road tractor, trailer or semitrailer, or recreational
 10 vehicle or trailer, ~~which is~~ operated or driven upon the public highways of this state, shall,
 11 except as otherwise expressly provided, present to the county treasurer of the owner's
 12 county, or, in case of a nonresident of this state, the treasurer of any county, application
 13 for the registration of that vehicle. The application form ~~shall~~ must be furnished by the
 14 department and ~~shall contain but not be limited to~~ at least the following information:

- 15 (1) The number of cylinders or the bore and stroke of each cylinder;
- 16 (2) The manufacturer's weight;
- 17 (3) Whether the vehicle operates on diesel fuel, liquified petroleum gas, gasoline, or
 18 any other special fuel;
- 19 (4) The make, model, body, year, color, and vehicle identification number of the
 20 vehicle;
- 21 (5) The odometer reading; and
- 22 (6) The purchase price and the name and address of the seller, buyer, and any
 23 lienholder, ~~if any.~~

24 Any person who fails to provide the above information to the county treasurer or
 25 the department is guilty of a Class 2 misdemeanor. The department or the county
 26 treasurer may not accept an incomplete application form or an application form ~~which~~ that
 27 the department considers erroneous.

28 **Section 10. That § 32-5-27 be AMENDED:**

29 **32-5-27.** Any person, ~~firm, corporation, or limited liability company,~~ except a
 30 licensed vehicle dealer, ~~that~~ which brings into the state or purchases any used or
 31 secondhand out-of-state motor ~~vehicles~~ vehicle that is not currently licensed in this state
 32 for the purpose of sale or resale, except ~~vehicles~~ a vehicle receiving a junking certificate,
 33 a motor ~~vehicles~~ vehicle with a gross vehicle weight rating of over twenty-six thousand

1 pounds, or a semitrailer with a manufacturer's shipping weight of nine thousand pounds
2 or more, shall, within forty-five days from the date of purchase or entry of the motor
3 vehicle into the limits of this state, title the motor vehicle pursuant to chapter 32-3 and
4 pay the excise tax pursuant to chapter 32-5B ~~but, provided that the person~~ is not required
5 to license the vehicle. Any licensed motor vehicle dealer titling a motor vehicle pursuant
6 to this section is exempt from paying the excise tax imposed by § 32-5B-1 on the vehicle.
7 A The department shall issue a title for a vehicle titled by a licensed motor vehicle dealer
8 pursuant to this section shall be issued a title indicating, which indicates that no excise
9 tax has been paid. Upon transfer of the title to a subsequent purchaser of the motor
10 vehicle, the excise tax ~~shall~~ must be paid by the purchaser or by any other person as
11 defined ~~by subdivision 2-14-2(18) in § 2-14-2,~~ on behalf of and as the agent for the
12 purchaser. A violation of this section is a Class 2 misdemeanor.

13 The provisions of this section do not apply to any motor vehicle titled and licensed
14 in another jurisdiction ~~that, which~~ is sold in this state through a dealer's car auction agency
15 licensed under the provisions of chapter 32-6B.

16 **Section 11. That § 32-5B-9 be AMENDED:**

17 **32-5B-9.** ~~The~~ Except as otherwise provided, a new owner of a motor vehicle, or
18 with written authorization, any other person, ~~as defined by subdivision 2-14-2(18) in § 2-~~
19 14-2, on behalf of and as the agent for the new owner, shall present to the county
20 treasurer in the county of the new owner's residence the manufacturer's or importer's
21 statement or certificate of origin or the assigned certificate of title and a properly endorsed
22 motor vehicle purchaser's certificate. The motor vehicle purchaser's certificate ~~shall~~ must
23 be on a form to be furnished by the ~~Department of Revenue~~ department through the
24 county treasurer's office. The certificate ~~shall~~ must contain a complete description of the
25 motor vehicle, the owner's name and address, the previous owner's name and address,
26 the full purchase price, ~~as defined by in § 32-5B-4, and how computed together with the~~
27 method of computing the price, the trade-in allowance and description of the trade, if any,
28 and any other relevant information the ~~Department of Revenue~~ department may require.
29 ~~However, for~~ For a motor vehicle licensed and registered pursuant to chapter 32-10, the
30 owner must present to the department the manufacturer's or importer's statement or
31 certificate of origin or an assigned certificate of title and a properly endorsed motor vehicle
32 purchaser's certificate ~~shall be presented to the Department of Revenue.~~ Any person who
33 intentionally falsifies information on the certificate is guilty of a Class 6 felony.

1 **Section 12. That § 33A-1-29 be AMENDED:**

2 **33A-1-29.** An Indian tribe, as defined in ~~subdivision 2-14-2(14)~~ § 2-14-2, may
3 appoint a veterans' service officer ~~who shall~~ to serve under the same terms and conditions
4 as a county veterans' service officer, as provided for in §§ 33A-1-22 to 33A-1-28,
5 inclusive, or may contract with the Department of Veterans Affairs to provide the services
6 of a veterans' service officer pursuant to § 33A-1-24. ~~Such officers shall be known as~~ Any
7 officer appointed or contracted with pursuant to this section is a tribal veterans' service
8 officers officer.