

2026 South Dakota Legislature

House Bill 1184**AMENDMENT 1184B
FOR THE HOUSE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to define man and woman throughout the state and require that sex-based**
 2 **definitions comply with federal law.**

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~~ 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 ~~(16)~~(20) "Man," an adult human male;
9 ~~(17)~~(21) "Month," a calendar month;
10 ~~(18)~~(22) "Mother," a female parent;
11 ~~(19)~~(23) "Municipality," any municipality organized as provided in ~~Title~~ title 9;
12 ~~(20)~~(24) "Oath" includes affirmation;
13 ~~(21)~~(25) "Person" includes natural persons, partnerships, associations, cooperative
14 corporations, limited liability companies, and corporations;
15 ~~(22)~~(26) "Personal property" includes money, goods, chattels, things in action, and
16 evidences of debt;
17 ~~(23)~~(27) "Population," the number of inhabitants as determined by the last preceding
18 federal census;
19 ~~(24)~~(28) "Property" includes property, real and personal;
20 ~~(25)~~(29) "Real property" is coextensive with lands, tenements, and hereditaments;
21 ~~(26)~~(30) "Seal" includes an impression of the seal upon ~~the~~ the paper alone, ~~as well as~~ 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 ~~(27)~~(31) "Several," in relation to number, two or more;
25 ~~(28)~~(32) "Sex," except as used in chapters 22-24A and 22-24B, an individual's biological
26 sex, either male or female;
27 ~~(29)~~(33) "Signature or subscription" includes mark, if the person cannot write, the person's
28 name being written near ~~such the~~ such the mark, and written by a person who writes the
29 person's own name as a witness;
30 ~~(30)~~(34) "State," the State of South Dakota;
31 ~~(31)~~(35) "Testify," every mode of oral statement under oath or affirmation;
32 ~~(32)~~(36) "Third persons" includes all who are not parties to the obligation or transaction
33 concerning which the phrase is used;
34 ~~(33)~~(37) "Township ~~boards~~ board," the board of supervisors of any organized township;

1 ~~(30)~~(38) "Two spirit," an individual recognized within an indigenous community as
 2 embodying both masculine and feminine characteristics or fulfilling a culturally
 3 distinct gender role;

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

9 ~~(31)~~(39)(40) "Valuable consideration," value, or a thing of value parted with, or a new
 10 obligation assumed at the time of obtaining the thing, which is a substantial
 11 compensation for that which is obtained thereby. It is also called simply "value";

12 ~~(32)~~(40)(41) "Verdict" includes not only the verdict of a jury, but also the finding upon
 13 the facts of a judge, or of a referee appointed to determine the issues in a cause;

14 ~~(33)~~(41)(42) "Voter," a person duly registered to vote or one who is performing the
 15 act of voting;

16 ~~(34)~~(42)(43) "Will" includes a codicil or codicils;

17 ~~(35)~~(43)(44) "Woman," an adult human female;

18 ~~(44)~~(45) "Writing" and "written" include typewriting and typewritten, printing and
 19 printed, words, except in the case of signatures, ~~and~~ where the words are used by
 20 way of contrast to typewriting and printing. Writing, and which may be made in
 21 any manner, except that when a person entitled to require the execution of a
 22 writing demands that it be made with ink, it must be so made; and

23 ~~(36)~~(45)(46) "Year," a calendar year.

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

25 The-Except in circumstances in which federal law requires a different interpretation
 26 or as otherwise provided in this section, the definitions of "boy," "father," "female," "girl,"
 27 "male," "man," "mother," "sex," and "woman," as set forth in § 2-14-2, apply uniformly
 28 throughout all administrative rules, contracts, guidance documents, policies, practices,
 29 and statutes of the state and each political subdivision.

30 For purposes of state nondiscrimination laws, employment practices, education
 31 programs, and any program or activity receiving federal financial assistance, the term
 32 "sex" must be interpreted in a manner consistent with applicable federal law, including
 33 Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, inclusive

1 (January 1, 2026), and Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681
 2 to 1688, inclusive (January 1, 2026).

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

4 Each state agency, department, board, commission, institution, political
 5 subdivision, and any other entity exercising state authority shall, in the execution of
 6 applicable duties, ~~strictly adhere to the definitions of "boy," "father," "female," "girl,"~~
 7 ~~"male," "man," "mother," "sex," and "woman," as apply the definitions~~ set forth in § 2-
 8 14-2 in a manner consistent with:

- 9 (1) The United States Constitution;
 10 (2) Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, inclusive
 11 (January 1, 2026);
 12 (3) Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 to 1688,
 13 inclusive (January 1, 2026); and
 14 (4) Any binding federal court decision interpreting applicable provisions in subdivisions
 15 (1) to (3), inclusive.

16 Consistent with binding federal law, discrimination on the basis of sex includes
 17 discrimination on the basis of sexual orientation and gender identity.

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

19 Nothing in § 2-14-2 or section 2 or 3 of this Act:

- 20 (1) May be construed to:
 21 (a) Limit or restrict the application of federal civil rights laws;
 22 (b) Authorize discrimination prohibited under federal law;
 23 (c) Prevent compliance with conditions attached to federal funding;
 24 (d) Supersede binding federal court precedent; or
 25 (e) Define, regulate, or otherwise affect any term, identity, or classification
 26 established under tribal law; or
 27 (2) Applies within the jurisdiction of an Indian tribe, as defined in § 2-14-2.

28 **Section 5. That § 2-14-3 be AMENDED:**

29 **2-14-3.** Notwithstanding the provisions of ~~subdivision 2-14-2(23)~~ § 2-14-2, a
 30 promissory note ~~shall in no case be deemed or~~ is not considered a sealed instrument
 31 where the word "seal" is printed thereon.

1 **Section 6. That § 4-7-13.1 be AMENDED:**

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

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

6 **9-2-7.** For the purpose of dividing a municipality into wards, the number of
7 inhabitants is determined by ~~subdivision 2-14-2(20)~~ population, as defined in § 2-14-2.
8 The governing body may, by resolution, authorize the finance officer to determine the
9 number of inhabitants by filing a certificate showing the number of ~~persons~~ individuals
10 registered to vote in each ward of the municipality. That number multiplied by two
11 constitutes the number of inhabitants until the next federal census is completed.

12 **Section 8. That § 13-49-14.11 be AMENDED:**

13 **13-49-14.11.** There is hereby created within the Board of Regents the FTE
14 demand pool. For the purposes of this section, "FTE" means full-time equivalent as defined
15 in ~~subdivision 2-14-2(12)~~ § 2-14-2. The initial balance of the FTE demand pool ~~shall be~~ is
16 established by the Legislature and may be replenished each year through the general
17 appropriations act. Subject to the approval of the board, the universities may draw upon
18 the pool for FTEs necessary to staff nonstate funded programs. The board shall administer
19 the pool ~~in such a way so~~ that any unfunded FTEs are returned to the pool so as to be and
20 available to be drawn for other programs.

21 **Section 9. That § 29A-5-102 be AMENDED:**

22 **29A-5-102.** Terms used in this chapter mean:

- 23 (1) "Absentee," any individual who has disappeared, who has been forcibly detained
24 either illegally or by a foreign power, or who is otherwise located in a foreign
25 country and is unable to return;
- 26 (2) "Conservator," one appointed by the court to be responsible for managing the
27 estate and financial affairs of a minor or protected person;
- 28 (3) "Court representative," any individual appointed by the court to make
29 investigations and recommendations as provided in this chapter or as otherwise
30 ordered by the court;

- 1 (4) "Guardian," one appointed by the court to be responsible for the personal affairs
 2 of a minor or protected person, but excludes one who is merely a guardian ad
 3 litem;
- 4 (5) "Interested person," any individual who is the subject of a guardianship or
 5 conservatorship proceeding, and any entity, public agency, or other individual with
 6 an interest in the proceeding, either generally or as to a particular matter;
- 7 (6) "Limited conservator," one appointed by the court who has only those
 8 responsibilities for managing the estate and financial affairs of a minor or protected
 9 person as are specified in the order of appointment;
- 10 (7) "Limited guardian," one appointed by the court who has only those responsibilities
 11 for the personal affairs of a minor or protected person as are specified in the order
 12 of appointment;
- 13 (8) "Minor," any individual under eighteen years of age;
- 14 (9) "Person alleged to need protection," any individual for whom the appointment of a
 15 guardian or conservator is being sought other than for reasons of minority;
- 16 (10) "Protected person," any individual for whom a guardian or conservator has been
 17 appointed other than for reasons of minority.

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

25 **Section 10. That § 32-5-2 be AMENDED:**

26 **32-5-2.** Every owner, or with written authorization, any other person, ~~as defined~~
 27 ~~by subdivision 2-14-2(18) in § 2-14-2,~~ on behalf of and as the agent for the owner, of a
 28 motor vehicle, motorcycle, truck tractor, road tractor, trailer or semitrailer, or recreational
 29 vehicle or trailer, ~~which is~~ operated or driven upon the public highways of this state, shall,
 30 except as otherwise expressly provided, present to the county treasurer of the owner's
 31 county, or, in case of a nonresident of this state, the treasurer of any county, application
 32 for the registration of that vehicle. The application form ~~shall~~ must be furnished by the
 33 department and ~~shall~~ contain ~~but not be limited to~~ at least the following information:

- 34 (1) The number of cylinders or the bore and stroke of each cylinder;

- 1 (2) The manufacturer's weight;
- 2 (3) Whether the vehicle operates on diesel fuel, liquified petroleum gas, gasoline, or
- 3 any other special fuel;
- 4 (4) The make, model, body, year, color, and vehicle identification number of the
- 5 vehicle;
- 6 (5) The odometer reading; and
- 7 (6) The purchase price and the name and address of the seller, buyer, and any
- 8 lienholder, ~~if any~~.

9 Any person who fails to provide the above information to the county treasurer or

10 the department is guilty of a Class 2 misdemeanor. The department or the county

11 treasurer may not accept an incomplete application form or an application form ~~which~~ that

12 the department considers erroneous.

13 **Section 11. That § 32-5-27 be AMENDED:**

14 **32-5-27.** Any person, ~~firm, corporation, or limited liability company~~, except a

15 licensed vehicle dealer, ~~that~~ which brings into the state or purchases any used or

16 secondhand out-of-state motor ~~vehicles~~ vehicle ~~that is~~ not currently licensed in this state

17 for the purpose of sale or resale, except ~~vehicles~~ a vehicle receiving a junking certificate,

18 a motor ~~vehicles~~ vehicle with a gross vehicle weight rating of over twenty-six thousand

19 pounds, or a semitrailer with a manufacturer's shipping weight of nine thousand pounds

20 or more, shall, within forty-five days from the date of purchase or entry of the motor

21 vehicle into the limits of this state, title the motor vehicle pursuant to chapter 32-3 and

22 pay the excise tax pursuant to chapter 32-5B ~~but~~, provided that the person is not required

23 to license the vehicle. Any licensed motor vehicle dealer titling a motor vehicle pursuant

24 to this section is exempt from paying the excise tax imposed by § 32-5B-1 on the vehicle.

25 A The department shall issue a title for a vehicle titled by a licensed motor vehicle dealer

26 pursuant to this section ~~shall be issued a title indicating, which indicates~~ that no excise

27 tax has been paid. Upon transfer of the title to a subsequent purchaser of the motor

28 vehicle, the excise tax ~~shall~~ must be paid by the purchaser or by any other person as

29 defined ~~by subdivision 2-14-2(18) in § 2-14-2,~~ on behalf of and as the agent for the

30 purchaser. A violation of this section is a Class 2 misdemeanor.

31 The provisions of this section do not apply to any motor vehicle titled and licensed

32 in another jurisdiction ~~that~~, which is sold in this state through a dealer's car auction agency

33 licensed under the provisions of chapter 32-6B.

1 **Section 12. That § 32-5B-9 be AMENDED:**

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

19 **Section 13. That § 33A-1-29 be AMENDED:**

20 **33A-1-29.** An Indian tribe, as defined in ~~subdivision 2-14-2(14)~~ § 2-14-2, may
21 appoint a veterans' service officer ~~who shall~~ to serve under the same terms and conditions
22 as a county veterans' service officer, as provided for in §§ 33A-1-22 to 33A-1-28,
23 inclusive, or may contract with the Department of Veterans Affairs to provide the services
24 of a veterans' service officer pursuant to § 33A-1-24. ~~Such officers shall be known as~~ Any
25 officer appointed or contracted with pursuant to this section is a tribal veterans' service
26 officers officer.