

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 24, 2026

The Senate convened at 1:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. David Hussey, followed by the Pledge of Allegiance led by Senate pages Joshua Brandt and Clare Cordell.

Roll Call: All members present except Sen. Beal who was excused and Sen. Carley 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 26th 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration the nomination of Tonia Warzecha of Union County, Jefferson, South Dakota, to the South Dakota Board of Education Standards and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Also MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration the nomination of Gregory Von Wald of Pennington County, Rapid City, South Dakota, to the South Dakota Board of Education Standards and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Also MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration the nomination of Dennis Law of Brookings County, Brookings, South Dakota, to the South Dakota Board of Technical Education and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment.

Also MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration the nomination of Kamp Meyer of Pennington County, Rapid City, South Dakota, to the South Dakota Board of Education Standards and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **HB 1130** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Kyle Schoenfish, Chair

MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1001** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1265** and returns the same with the recommendation that said bill be amended as follows:

1265A

On page 1, line 1, of the Introduced bill, delete "establish an avian special purpose" and insert "authorize the"

On page 1, line 1, delete " permit" and insert " of certain bird eggs"

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

2 "

3 **Section 1. That § 41-11-7 be AMENDED:**

4 **41-11-7.** Except as ~~permitted by statute, no person otherwise provided in this section, an~~
 5 individual may not take or, have in possession, or intentionally break or destroy any nest or the
 6 eggs of the kinds of birds, the taking or killing of which is at any time or at all times prohibited. A
 7 violation of this section is a Class 2 misdemeanor.

8 Nothing in this section prohibits any egg salvage activity if:

9 (1) The individual holds a migratory bird special purpose salvage permit, issued by the
 10 United States Fish and Wildlife Service, in accordance with 50 C.F.R § 21.95 (January
 11 1, 2026); and

12 (2) The salvage activity does not involve the eggs of birds, the taking or killing of which is
 13 at all times prohibited.

14 And that as so amended, **HB 1265** do pass, and having been certified as uncontested, be
 15 placed on the consent calendar.

16 Respectfully submitted,
 17 Tom Pischke, Chair

18 MR. PRESIDENT:

19 The Committee on Senate Judiciary respectfully reports that it has had under consideration
 20 **HB 1107** and returns the same with the recommendation that said bill do pass.

21 Also MR. PRESIDENT:

22 The Committee on Senate Judiciary respectfully reports that it has had under consideration
 23 **HB 1007, 1197, and 1219** and returns the same with the recommendation that said bills do pass,
 24 and having been certified as uncontested, be placed on the consent calendar.

25 Respectfully submitted,
 26 Steve Kolbeck, Chair

27 MR. PRESIDENT:

28 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 29 consideration **HB 1096, 1101, and 1119** and returns the same with the recommendation that said
 30 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

31 Also MR. PRESIDENT:

32 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 33 consideration **HB 1194** and returns the same with the recommendation that said bill be amended
 34 as follows:

35 1194B

36 On page 1, line 2, of the House Engrossed bill, after "applicants" insert " and to declare an
 37 emergency"

1 On page 3, after line 18, of the House Engrossed bill, insert: "

2 **Section 4.** Whereas, this Act is necessary for the immediate preservation of the public peace,
 3 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
 4 effect from and after its passage and approval."

5 And that as so amended, **HB 1194** do pass.

6 Respectfully submitted,
 7 Casey Crabtree, Chair

8 MR. PRESIDENT:

9 The Committee on Legislative Procedure respectfully reports that **SB 73** was delivered to his
 10 Excellency, the Governor, for his approval at 8:52 a.m., February 24, 2026.

11 Also MR. PRESIDENT:

12 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
 13 Enrolling has carefully compared **SB 26 and 71** 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 1046 and 1160** which have passed the House and
 19 your favorable consideration is respectfully requested.

20 Also MR. PRESIDENT:

21 I have the honor to return herewith **SB 26 and 71** which have passed the House without
 22 change.

23 Respectfully,
 24 Patricia Miller, Chief Clerk

25 **MOTIONS AND RESOLUTIONS**

26 Sen. Mehlhaff moved that **HB 1041 and 1056** be deferred to Wednesday, February 25, 2026,
 27 the 28th legislative day.

28 Which motion prevailed.

1 Sen. Rohl moved that the Senate do not concur in House amendments to **SB 3** and that a
2 committee of three on the part of the Senate be appointed to meet with a like committee on the
3 part of the House to adjust the differences between the two houses.

4 Which motion prevailed and the President announced as such committee
5 Senators Rohl (Chair), Larson, and Nelson.

6 Yesterday, Sen. Crabtree announced his intention to reconsider the vote by which **SB 193** lost.

7 Sen. Crabtree moved that the Senate do now reconsider the vote by which **SB 193** lost.

8 Sen. Karr rose to a point of order that pursuant to JR 5-11.1 **SB 193** was not eligible for
9 another reconsideration as it had been previously reconsidered.

10 The President ruled against Sen. Karr's point of order and stated that as the bill had been
11 amended it becomes a new question because it is a different bill.

12 Sen. Karr appealed the ruling of the President.

13 The question being "Shall Sen. Karr's appeal of the President's ruling be sustained?"

14 And the roll being called:

15 Yeas 20, Nays 13, Excused 1, Absent 1

16 Yeas: Blanc, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Larson, Marty,
17 Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Smith, Voight, and Voita

18 Nays: Crabtree, Davis, Deibert, Duhamel, Kolbeck (Steve), Miskimins, Reed, Rohl, Sauder,
19 Schoenfish, Vilhauer, Wipf, and Zikmund

20 Excused: Beal

21 Absent: Carley

22 So the question having received an affirmative vote of a majority of the members-elect, the
23 President declared the appeal of the President's ruling was sustained and Sen. Crabtree's
24 reconsideration motion was dismissed.

25 Sen. Rohl moved to invoke JR 2-2 and call all members to the floor.

26 Which motion prevailed.

27 The President instructed the Secretary to call the roll to determine who was present on the
28 floor.

29 And the roll being called:

30 Yeas 33, Nays 0, Excused 1, Absent 1

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

5 Excused: Beal

6 Absent: Carley

7 The President instructed the Sergeant at Arms to close the doors, locate Sen. Carley, and
8 return him to the chamber.

9 The President read the report of the Sergeant at Arms stating that Sen. Carley could not be
10 found after an extensive search.

11 Sen. Karr moved to accept the report from the Sergeant at Arms and proceed with business.

12 The question being on Sen. Karr's motion to accept the report from the Sergeant at Arms and
13 proceed with business.

14 And the roll being called:

15 Yeas 19, Nays 14, Excused 1, Absent 1

16 Yeas: Blanc, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Larson, Marty, Nelson,
17 Otten, Perry, Peterson (Sue), Pischke, Smith, Voight, Voita, and Zikmund

18 Nays: Crabtree, Davis, Deibert, Duhamel, Hulse, Kolbeck (Steve), Mehlhaff, Miskimins, Reed,
19 Rohl, Sauder, Schoenfish, Vilhauer, and Wipf

20 Excused: Beal

21 Absent: Carley

22 So the motion having received an affirmative vote of a majority of the members-present, the
23 President declared the motion prevailed.

24 Sen. Rohl moved that all action on **SB 239** be placed to follow **SB 159** on today's calendar.

25 Sen. Voita requested a roll call vote.

26 Which request was supported.

27 The question being on Sen. Rohl's motion that all action on **SB 239** be placed to follow
28 **SB 159** on today's calendar.

29 And the roll being called:

30 Yeas 16, Nays 17, Excused 1, Absent 1

31 Yeas: Crabtree, Davis, Deibert, Duhamel, Hulse, Kolbeck (Steve), Mehlhaff, Miskimins, Reed,
32 Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

33 Nays: Blanc, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Larson, Marty, Nelson,
34 Otten, Perry, Peterson (Sue), Pischke, Voight, and Voita

1 Excused: Beal

2 Absent: Carley

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

5 Yesterday, Sen. Crabtree announced his intention to reconsider the vote by which **SB 239** lost.

6 Sen. Crabtree moved that the Senate do now reconsider the vote by which **SB 239** lost.

7 The question being on Sen. Crabtree's motion to reconsider the vote by which **SB 239** lost.

8 And the roll being called:

9 Yeas 16, Nays 17, Excused 1, Absent 1

10 Yeas: Crabtree, Davis, Deibert, Duhamel, Hulse, Kolbeck (Steve), Larson, Mehlhaff, Miskimins,
11 Reed, Rohl, Sauder, Schoenfish, Vilhauer, Wipf, and Zikmund

12 Nays: Blanc, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, Otten,
13 Perry, Peterson (Sue), Pischke, Smith, Voight, and Voita

14 Excused: Beal

15 Absent: Carley

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

18 Sen. Rohl moved that all bills on today's consent calendar be moved to Second Readings of
19 Senate Bills and Joint Resolutions and Second Readings of House Bills and Joint Resolutions.

20 Which motion prevailed.

21 Sen. Mehlhaff moved that **HB 1104, 1143, 1146, 1188, 1233, and 1260** be deferred to
22 Wednesday, February 25, 2026, the 28th legislative day.

23 Which motion prevailed.

24 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

26 Senate Appropriations on **SB 102** as found on page 350 of the Senate Journal; also

27 Senate Appropriations on **SB 119** as found on page 351 of the Senate Journal; and

28 Senate Appropriations on **SB 222** as found on page 352 of the Senate Journal be adopted.

29 Which motion prevailed and the reports were adopted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1046: FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to demolish the Pierre Minimum Center, to make an appropriation therefor, and to declare an emergency.

HB 1160: FOR AN ACT ENTITLED, An Act to repeal the medical marijuana oversight committee.

Were read the first time.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 74: FOR AN ACT ENTITLED, An Act to transfer moneys to the general fund from the budget reserve fund and the general replacement fund, and to declare an emergency.

Was read the second time.

The question being "Shall **SB 74** pass?"

And the roll being called:

Yeas 26, Nays 7, Excused 1, Absent 1

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

Nays: Hulse, Pischke, Reed, Rohl, Sauder, Schoenfish, and Wipf

Excused: Beal

Absent: Carley

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 102: FOR AN ACT ENTITLED, An Act to modify the distribution of gaming revenues.

Was read the second time.

The question being "Shall **SB 102** pass as amended?"

And the roll being called:

Yeas 31, Nays 2, Excused 1, Absent 1

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

Nays: Peterson (Sue) and Rohl

1 Excused: Beal

2 Absent: Carley

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

5 **SB 106:** FOR AN ACT ENTITLED, An Act to modify the amount required to be set aside for
6 extraordinary expenses incurred in providing special education programs.

7 Was read the second time.

8 The question being "Shall **SB 106** pass?"

9 And the roll being called:

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

11 Yeas: Crabtree, Davis, Deibert, Duhamel, Foster, Hulse, Kolbeck (Steve), Larson, Mehlhaff,
12 Miskimins, Nelson, Otten, Perry, Peterson (Sue), Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer,
13 Voight, Wipf, and Zikmund

14 Nays: Blanc, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Pischke, and Voita

15 Excused: Beal

16 Absent: Carley

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

19 **SB 118:** FOR AN ACT ENTITLED, An Act to deposit certain tax revenues into a homeowner tax
20 reduction fund.

21 Was read the second time.

22 The question being "Shall **SB 118** pass as amended?"

23 And the roll being called:

24 Yeas 16, Nays 17, Excused 1, Absent 1

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

27 Nays: Blanc, Foster, Grove, Hohn, Jensen (Kevin), Karr, Lapka, Marty, Mehlhaff, Miskimins,
28 Nelson, Otten, Perry, Peterson (Sue), Pischke, Voight, and Voita

29 Excused: Beal

30 Absent: Carley

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

1 **SB 119:** FOR AN ACT ENTITLED, An Act to create the capitol restoration fund and to transfer
2 moneys thereto.

3 Was read the second time.

4 Sen. Otten moved that **SB 119** be amended as follows:

5 119C

6 On page 1, line 3, of the Senate Appropriations Engrossed bill, delete " \$25,000,000" and insert
7 " \$101"

8 Which motion prevailed.

9 The question being "Shall **SB 119** pass as amended?"

10 And the roll being called:

11 Yeas 21, Nays 12, Excused 1, Absent 1

12 Yeas: Blanc, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka,
13 Larson, Marty, Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Smith, Voight, Voita, and
14 Zikmund

15 Nays: Crabtree, Davis, Deibert, Duhamel, Hulse, Miskimins, Reed, Rohl, Sauder, Schoenfish,
16 Vilhauer, and Wipf

17 Excused: Beal

18 Absent: Carley

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

21 **SB 120:** FOR AN ACT ENTITLED, An Act to make an appropriation for the economic
22 development of South Dakota.

23 Was read the second time.

24 The question being "Shall **SB 120** pass?"

25 And the roll being called:

26 Yeas 33, Nays 0, Excused 1, Absent 1

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

31 Excused: Beal

32 Absent: Carley

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

1 **SB 121:** FOR AN ACT ENTITLED, An Act to make an appropriation for developing the economic
2 viability of South Dakota.

3 Was read the second time.

4 The question being "Shall **SB 121** pass?"

5 And the roll being called:

6 Yeas 33, Nays 0, Excused 1, Absent 1

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

11 Excused: Beal

12 Absent: Carley

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

15 **SB 159:** FOR AN ACT ENTITLED, An Act to revise requirements pertaining to the minimum age
16 for marriage.

17 Was read the second time.

18 Sen. Pischke moved that **SB 159** be amended as follows:

19 159C

20 On page 1, line 20, of the Senate Judiciary Engrossed bill, delete ":

21 (1) Are" and insert " are"

22 On page 1, line 21, of the Senate Judiciary Engrossed bill, delete " and

23 (2) Have obtained either:

24 (a) A" and insert " and have obtained:

25 (1) A"

26 On page 2, line 1, of the Senate Judiciary Engrossed bill, after "Act" insert ", a certified copy
27 of which must be submitted to the register of deeds"

28 On page 1, line 25, of the Senate Judiciary Engrossed bill, delete " or

29 (b) Written consent from two parents of the minor applicant, or two parents of each minor
30 applicant, as applicable, which must be notarized and filed in the office of the county register of
31 deeds" and insert a carriage return

32 On page 2, line 3, of the Senate Judiciary Engrossed bill, after "deeds" insert "(2) If only one
33 applicant is a minor, written consent, notarized and filed in the office of the county register of deeds,
34 from:

35 (a) Two parents of the minor; or

1 (b) The legal guardian of the minor; or

2 (3) If both applicants are minors, written consent, notarized and filed in the office of the county
3 register of deeds, from:

4 (a) Two parents of each minor;

5 (b) The legal guardian of each minor; or

6 (c) Two parents of one minor and the legal guardian of the other minor"

7 Which motion prevailed.

8 Sen. Davis moved that **SB 159** be amended as follows:

9 159B

10 On page 1, line 1, of the Senate Judiciary Engrossed bill, delete "revise requirements pertaining
11 to" and insert " increase"

12 On the Senate Judiciary Engrossed bill, delete everything after the enacting clause and insert:

13 "

14 **Section 1. That § 25-1-9 be AMENDED:**

15 **25-1-9.** Any unmarried applicant for a marriage license who is eighteen years old or older,
16 and who is not otherwise disqualified, is capable of consenting to and consummating a marriage. ~~If~~
17 ~~either applicant for a marriage license is between the age of sixteen and eighteen, that applicant~~
18 ~~shall submit to the register of deeds a notarized statement of consent to marry from one parent or~~
19 ~~legal guardian of the applicant.~~

20 **Section 2. That § 25-1-33 be AMENDED:**

21 **25-1-33.** A person ~~who is guilty of a Class 1 misdemeanor if the person solemnizes any~~
22 ~~marriage where either of the parties is known to him to be knowing that:~~

23 ~~(1) Either party is under the age of legal consent and without the consent of his or her~~
24 ~~parents or guardian or persons having charge of him or her, or where either of the~~
25 ~~parties is known to him to be eighteen;~~

26 ~~(2) Either party is of unsound mind, or any marriage to which, within his knowledge, any;~~
27 ~~or~~

28 ~~(3) Any other legal impediment exists, is guilty of a Class 1 misdemeanor.~~

29 **Section 3. That § 25-1-13 be REPEALED:**

30 ~~If either party is a minor, no marriage license shall be granted unless the written consent of~~
31 ~~the parent or guardian, duly acknowledged by the parent or guardian, or proved to be genuine, is~~
32 ~~filed in the office of the county register of deeds prior to issuing the license, and a memorandum of~~
33 ~~the facts shall be entered in the marriage record book with the other records of the marriage~~
34 ~~license."~~

35 Sen. Rohl requested a roll call vote.

36 Which request was supported.

1 The question being on Sen. Davis's motion that **SB 159** be amended.

2 And the roll being called:

3 Yeas 15, Nays 18, Excused 1, Absent 1

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

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

8 Excused: Beal

9 Absent: Carley

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

12 The question being "Shall **SB 159** pass as amended?"

13 And the roll being called:

14 Yeas 25, Nays 8, Excused 1, Absent 1

15 Yeas: Blanc, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr,
16 Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Nelson, Perry, Peterson (Sue), Pischke, Rohl,
17 Schoenfish, Smith, Vilhauer, Voight, Voita, and Wipf

18 Nays: Crabtree, Davis, Deibert, Miskimins, Otten, Reed, Sauder, and Zikmund

19 Excused: Beal

20 Absent: Carley

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

23 **SB 196:** FOR AN ACT ENTITLED, An Act to increase the income limits for a property tax
24 assessment freeze.

25 Was read the second time.

26 The question being "Shall **SB 196** pass?"

27 And the roll being called:

28 Yeas 15, Nays 18, Excused 1, Absent 1

29 Yeas: Blanc, Foster, Grove, Hohn, Jensen (Kevin), Karr, Lapka, Larson, Nelson, Otten, Perry,
30 Peterson (Sue), Smith, Voight, and Zikmund

31 Nays: Crabtree, Davis, Deibert, Duhamel, Howard, Hulse, Kolbeck (Steve), Marty, Mehlhaff,
32 Miskimins, Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voita, and Wipf

1 Excused: Beal

2 Absent: Carley

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

5 **SB 211**: FOR AN ACT ENTITLED, An Act to prohibit certain billing practices by ambulance
6 service providers and establish reimbursement standards for out-of-network emergency medical
7 services.

8 Was read the second time.

9 The question being "Shall **SB 211** pass as amended?"

10 And the roll being called:

11 Yeas 17, Nays 16, Excused 1, Absent 1

12 Yeas: Deibert, Foster, Grove, Hohn, Hulse, Jensen (Kevin), Kolbeck (Steve), Larson, Nelson,
13 Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, and Wipf

14 Nays: Blanc, Crabtree, Davis, Duhamel, Howard, Karr, Lapka, Marty, Mehlhaff, Miskimins,
15 Otten, Perry, Peterson (Sue), Voight, Voita, and Zikmund

16 Excused: Beal

17 Absent: Carley

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

20 **SB 221**: FOR AN ACT ENTITLED, An Act to regulate the retail sale of nicotine products, and to
21 provide a penalty therefor.

22 Was read the second time.

23 Sen. Rohl requested that **SB 221** be read in full pursuant to Art. III, Sec. 17 of the South
24 Dakota State Constitution.

25 The President instructed the Secretary to read the bill.

26 Sen. Mehlhaff moved to invoke JR 2-2 and call all members to the floor.

27 Which motion prevailed.

28 The President instructed the Sergeant at Arms to close the doors and look for Sen. Rohl.

29 The Sergeant at Arms reported to the President and stated that Sen. Rohl was located and
30 returned to the floor.

31 The report was accepted and the call of the house ended.

32 Sen. Pischke rose to a point of order that Sen. Rohl read the remainder of **SB 221**.

33 Sen. Rohl read the remainder of **SB 221**.

1 Sen. Karr moved that **SB 221** be amended as follows:

2 221B

3 On page 1, line 12, of the Senate Health and Human Services Engrossed bill, after "mean:

4 (1)" insert ""Alternative nicotine product," a noncombustible product containing nicotine from
5 any source or a nicotine analog that is intended for human consumption, whether chewed, absorbed,
6 dissolved, ingested, inhaled, or consumed by any other means. The term does not include any vapor
7 product or any product regulated as a drug or device by the United States Food and Drug
8 Administration under the Food, Drug and Cosmetic Act, 21 U. S. C chapter 9 subchapter V (January
9 1, 2026);

10 (2) "

11 On page 1, line 13, of the Senate Health and Human Services Engrossed bill, delete "(2)" and
12 insert "(3)"

13 On page 1, line 13, of the Senate Health and Human Services Engrossed bill, delete " a product
14 intended for human consumption, containing any form of the chemical nicotine, including any salt
15 or complex, from any source, nicotinic alkaloids, nicotine analogs, and any substance intended to
16 mimic or replicate the pharmacological effect of nicotine. The term includes delivery systems,
17 components, parts, or accessories. The term does not include food, drugs, devices, or combination
18 products, as defined in the Federal Food, Drug, and Cosmetic Act, 21 U. S. C § 301 et seq. (January
19 1, 2026), approved for sale by the United States Food and Drug Administration" and insert " an
20 alternative nicotine product, tobacco product, or vapor product"

21 On page 1, line 20, of the Senate Health and Human Services Engrossed bill, after
22 "Administration;" delete " and"

23 On page 1, line 21, of the Senate Health and Human Services Engrossed bill, delete "(3)" and
24 insert "(4)"

25 On page 1, line 22, of the Senate Health and Human Services Engrossed bill, after "resale"
26 insert ";

27 (5) "Tobacco product," cigarettes, cigars, snuff, chewing tobacco, and any other products made
28 up or composed of tobacco in whole or in part;

29 (6) "Vapor product," a noncombustible product containing nicotine or a nicotine analogue that
30 employs a heating element, power source, electronic circuit, or other electronic, chemical, or
31 mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in
32 a solution. The term includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic
33 pipe, or similar product or device, and a consumable nicotine solution suitable for use in a vapor
34 product, whether sold with the product or separately. The term does not include any product
35 approved by the United States Food and Drug Administration for sale as a tobacco cessation product
36 and marketed and sold solely for that purpose;

37 (7) "Vending machine," a device that dispenses nicotine products to an individual for any
38 purpose other than resale; and

39 (8) "Vending machine retailer," a person engaged in the business of selling a nicotine product
40 from vending machines"

41 On page 2, line 2, of the Senate Health and Human Services Engrossed bill, delete " tobacco"
42 and insert " nicotine"

43 On page 2, line 2, of the Senate Health and Human Services Engrossed bill, delete " that" and
44 insert ", which"

- 1 On page 2, line 2, of the Senate Health and Human Services Engrossed bill, after "analog"
2 insert the comma
- 3 On page 2, line 7, of the Senate Health and Human Services Engrossed bill, after "retail" insert
4 ", and for each licensed establishment within which a retailer places a vending machine that sells a
5 nicotine product pursuant to section 8 of this Act"
- 6 On page 2, line 22, of the Senate Health and Human Services Engrossed bill, after "dollars."
7 insert "
- 8 A retailer that places a vending machine in a licensed establishment pursuant to section 8 of
9 this Act, shall pay a fee of one hundred dollars for each licensed establishment within which the
10 retailer places a vending machine."
- 11 On page 3, line 10, of the Senate Health and Human Services Engrossed bill, after "dollars."
12 insert "
- 13 A retailer that places a vending machine in a licensed establishment pursuant to section 8 of
14 this Act, shall pay a fee of one hundred dollars for each licensed establishment within which the
15 retailer places a vending machine."
- 16 On page 3, line 19, of the Senate Health and Human Services Engrossed bill, delete "The place
17 of business of a licensee where a nicotine product is sold may not be located within five hundred
18 feet of an elementary or secondary school, unless nicotine products were sold at the place of
19 business prior to July 1, 2026.
- 20 The distance measured for purposes of this section is from the nearest point of the property
21 on which the place of business is situated, to the nearest point of the property on which the school
22 is situated." and insert "A vending machine retailer may place a vending machine within an
23 establishment licensed pursuant to chapter 35-4, or within a licensed gaming establishment as
24 defined in § 42-7B-4.
- 25 A vending machine must be equipped with an age-verification system. Age verification is
26 required to purchase a nicotine product from the vending machine.
- 27 For purposes of this Act, the retailer is responsible for compliance with all provisions of this
28 Act. The establishment in which the vending machine is placed is not a retailer or vending machine
29 retailer, unless nicotine products are otherwise sold at the establishment without the use of a
30 vending machine."
- 31 On page 4, line 1, of the Senate Health and Human Services Engrossed bill, after "machine"
32 insert ", except as provided in section 8 of this Act"
- 33 On page 4, line 8, of the Senate Health and Human Services Engrossed bill, delete " of the
34 nicotine product contains, includes, or is capable of running or interfacing with video games, mobile
35 games, or interactive software on an integrated electronic screen, digital interface, or external
36 gaming system, or is marketed as having gaming functionality" and insert " includes a video game
37 or mobile game capable of interfacing with an external gaming system or mobile application, or has
38 a gaming functionality"
- 39 On page 4, line 14, of the Senate Health and Human Services Engrossed bill, after "agency."
40 insert "
- 41 For purposes of this section, a sale of a nicotine product from a vending machine does not
42 constitute a sale described under subdivision (4) of this section."
- 43 On page 4, line 20, of the Senate Health and Human Services Engrossed bill, after "chapter."
44 insert "

1 A vending machine constitutes the point of sale for nicotine products sold from the vending
2 machine. The electronic display of the license and sign on the vending machine, as required by this
3 section, meets the requirements of this section."

4 On page 4, line 31, of the Senate Health and Human Services Engrossed bill, after "days."
5 insert "

6 Nicotine products sold from, or contained in, a vending machine are inventory of the licensed
7 retailer, and are not the inventory of the establishment within which the vending machine is placed.
8 The requirements of this section apply only to the retailer, and may be maintained at the retailer's
9 principal location.

10 The establishment within which the vending machine is placed is not subject to the
11 requirements of this section."

12 On page 5, line 7, of the Senate Health and Human Services Engrossed bill, after "1-26." insert
13 "

14 An establishment within which a vending machine is placed is not subject to the provisions of
15 this section solely for the purpose of determining whether the retailer has violated any provisions of
16 this chapter or any rule promulgated thereunder."

17 On page 8, line 1, of the Senate Health and Human Services Engrossed bill, delete " tobacco
18 product" and insert " nicotine product, as defined in section 2 of this Act,"

19 On page 8, line 5, of the Senate Health and Human Services Engrossed bill, delete " tobacco
20 product" and insert " nicotine product, as defined in section 2 of this Act,"

21 On page 8, line 7, of the Senate Health and Human Services Engrossed bill, after "sell" delete
22 " cigarettes or"

23 On page 8, line 10, of the Senate Health and Human Services Engrossed bill, after "sell" delete
24 " tobacco products or"

25 On page 8, line 13, of the Senate Health and Human Services Engrossed bill, after "times"
26 insert ", except as otherwise provided in section 8 of this Act"

27 On page 8, line 14, of the Senate Health and Human Services Engrossed bill, after "both,"
28 delete " tobacco products or"

29 On page 8, line 19, of the Senate Health and Human Services Engrossed bill, after "distribute"
30 delete " tobacco"

31 On page 8, line 19, of the Senate Health and Human Services Engrossed bill, delete " products
32 or" and insert " samples of"

33 On page 8, line 22, of the Senate Health and Human Services Engrossed bill, after "twenty-
34 one." delete "

35 A person who violates this section is subject to a fine of two hundred fifty dollars, imposed by
36 the Department of Revenue. Each violation is subject to a fine."

37 On page 8, line 26, of the Senate Health and Human Services Engrossed bill, delete "A " and
38 insert "Except as otherwise provided in this section, a "

39 On page 8, line 34, of the Senate Health and Human Services Engrossed bill, after "Act." insert
40 "

41 For purposes of this section, the notice may be displayed electronically on a vending machine."

1 On page 9, line 4, of the Senate Health and Human Services Engrossed bill, after "law" delete
2 ", or sell a vapor product through self-service display other than a display that is:

3 (1) A vending machine permitted under subdivision 34-46-2(5); or

4 (2) Located located in a tobacco specialty store"

5 Which motion prevailed.

6 Sen. Crabtree moved that **SB 221** be amended as follows:

7 221C

8 On page 1, line 1, of the Senate Health and Human Services Engrossed bill, after "products,"
9 insert " to make an appropriation therefor,"

10 On page 7, line 27, of the Senate Health and Human Services Engrossed bill, delete
11 "Expenditures from the fund must be budgeted through the general appropriation bill" and insert
12 "The nicotine enforcement fund is continuously appropriated to the Department of Revenue"

13 Sen. Karr requested a roll call vote.

14 Which request was supported.

15 The question being on Sen. Crabtree's motion that **SB 221** be amended.

16 And the roll being called:

17 Yeas 14, Nays 19, Excused 1, Absent 1

18 Yeas: Crabtree, Davis, Deibert, Duhamel, Hulse, Larson, Miskimins, Reed, Rohl, Sauder,
19 Schoenfish, Vilhauer, Wipf, and Zikmund

20 Nays: Blanc, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka,
21 Marty, Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Smith, Voight, and Voita

22 Excused: Beal

23 Absent: Carley

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

26 The question being "Shall **SB 221** pass as amended?"

27 And the roll being called:

28 Yeas 22, Nays 11, Excused 1, Absent 1

29 Yeas: Blanc, Davis, Grove, Hohn, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty,
30 Mehlhaff, Miskimins, Otten, Perry, Peterson (Sue), Reed, Sauder, Smith, Vilhauer, Voight, Voita,
31 and Wipf

32 Nays: Crabtree, Deibert, Duhamel, Foster, Howard, Hulse, Nelson, Pischke, Rohl, Schoenfish,
33 and Zikmund

1 Excused: Beal

2 Absent: Carley

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

5 **SB 222:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water,
6 wastewater, storm water, and riparian buffer initiative projects and to declare an emergency.

7 Was read the second time.

8 The question being "Shall **SB 222** pass as amended?"

9 And the roll being called:

10 Yeas 28, Nays 5, Excused 1, Absent 1

11 Yeas: Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Jensen (Kevin),
12 Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry,
13 Peterson (Sue), Pischke, Reed, Smith, Vilhauer, Voight, Voita, and Zikmund

14 Nays: Hulse, Rohl, Sauder, Schoenfish, and Wipf

15 Excused: Beal

16 Absent: Carley

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

19 **SJR 508:** A JOINT RESOLUTION proposing and submitting to the voters at the next general
20 election, amendments to the Constitution of the State of South Dakota, removing the lieutenant
21 governor as presiding officer of the Senate.

22 Was read the second time.

23 The question being "Shall **SJR 508** pass?"

24 And the roll being called:

25 Yeas 19, Nays 14, Excused 1, Absent 1

26 Yeas: Blanc, Deibert, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Kolbeck (Steve),
27 Lapka, Marty, Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Voight, and Voita

28 Nays: Crabtree, Davis, Duhamel, Hulse, Larson, Miskimins, Reed, Rohl, Sauder, Schoenfish,
29 Smith, Vilhauer, Wipf, and Zikmund

30 Excused: Beal

31 Absent: Carley

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

1 **SB 133:** FOR AN ACT ENTITLED, An Act to provide additional legislative oversight of
2 rulemaking.

3 Was read the second time.

4 Sen. Mehlhaff moved the previous question.

5 Which motion prevailed.

6 The question being "Shall **SB 133** pass as amended?"

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 1, Absent 1

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

13 Excused: Beal

14 Absent: Carley

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 228:** FOR AN ACT ENTITLED, An Act to modify provisions for a tax increment financing
18 district.

19 Was read the second time.

20 Sen. Mehlhaff moved the previous question.

21 Which motion prevailed.

22 The question being "Shall **SB 228** pass as amended?"

23 And the roll being called:

24 Yeas 33, Nays 0, Excused 1, Absent 1

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

29 Excused: Beal

30 Absent: Carley

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

33 **SB 244:** FOR AN ACT ENTITLED, An Act to address issues facing South Dakota.

34 Was read the second time.

1 Sen. Mehlhaff moved the previous question.

2 Which motion prevailed.

3 The question being "Shall **SB 244** pass?"

4 And the roll being called:

5 Yeas 32, Nays 1, Excused 1, Absent 1

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

10 Nays: Rohl

11 Excused: Beal

12 Absent: Carley

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

15 **SB 245**: FOR AN ACT ENTITLED, An Act to promote the future success and development of
16 South Dakota.

17 Was read the second time.

18 Sen. Mehlhaff moved the previous question.

19 Which motion prevailed.

20 The question being "Shall **SB 245** pass?"

21 And the roll being called:

22 Yeas 32, Nays 1, Excused 1, Absent 1

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

27 Nays: Rohl

28 Excused: Beal

29 Absent: Carley

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

1

SIGNING OF BILLS

2

The President publicly read the title to

3

4

SB 26: FOR AN ACT ENTITLED, An Act to revise procurement for highway construction contracts.

5

6

7

SB 71: FOR AN ACT ENTITLED, An Act to authorize the assumption of certain responsibilities and the waiver of sovereign immunity in connection with certain actions under federal environmental law.

8

9

HB 1012: FOR AN ACT ENTITLED, An Act to revise and repeal provisions allowing probation for contempt of a custody or visitation decree.

10

11

HB 1013: FOR AN ACT ENTITLED, An Act to clarify the purposes permitted for certain offenders to operate a motor vehicle.

12

13

HB 1014: FOR AN ACT ENTITLED, An Act to modify the surcharge for a responding party in a forcible entry and detainer action.

14

15

HB 1022: FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to the crime victims' compensation program.

16

17

HB 1111: FOR AN ACT ENTITLED, An Act to modify the requirements for obtaining an agricultural processor's lien.

18

And signed the same in the presence of the Senate.

19

COMMEMORATIONS

20

21

SC 812: A LEGISLATIVE COMMEMORATION to acknowledge Glenn Muller's distinguished career and congratulate him on his achievements.

22

Introduced by: **Senators** Zikmund, Hulse, and Perry and **Representative** Muckey

23

24

Sen. Lapka moved that the Senate do now adjourn, which motion prevailed and at 6:11 p.m. the Senate adjourned.

25

Peggy Laurenz, Secretary