JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 04, 2026

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

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by Senate pages Poppy Stevens and Ryler Stevicks.

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 31st 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.

12 copies were printed by the South Dakota Legislative Research Council at an estimated cost of $.20 per page.

COMMUNICATIONS AND PETITIONS

March 4, 2026

Mr. President and Members of the Senate:

I have the honor to inform you that on March 4, 2026, I approved Senate Bills 21, 25, 26, 27, 71, 75, 129, and 165, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1138** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1006, 1148, and 1149** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Health and Human Services respectfully reports that it has had under consideration **HB 1160** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Kevin D. Jensen, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1245** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1320** and returns the same with the recommendation that said bill be amended as follows:

1320D

On page 1, line 7, of the House Local Government Engrossed bill, delete " administrator," and insert " auditor or"

On page 1, line 7, of the House Local Government Engrossed bill, delete " executive, treasurer, or any registered agent of the board" and insert " upon the state's attorney of that county, or upon any person appointed by the board pursuant to resolution to accept notice,"

And that as so amended, **HB 1320** 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 **HB 1161 and 1258** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tim S. Reed, Chair

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1040 and 1108** and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1045, 1175, 1183, 1280, 1298, and 1300** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1176** with the recommendation that said bill be referred to the Senate Committee on Appropriations with a Do Pass recommendation.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HCR 6015** which was deferred to the 41st Legislative Day.

Respectfully submitted,
Steve Kolbeck, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1302 and 1303** and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1232** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1215** and returns the same with the recommendation that said bill be amended as follows:

1215F

On page 1, line 4, of the Introduced bill, delete " one" and insert " a"

On page 1, line 6, of the Introduced bill, delete " one" and insert " a"

On page 1, line 7, of the Introduced bill, after "jurisdiction" delete ", and may approve one additional license to operate a cigar bar within its jurisdiction for every twenty-five thousand legal residents of the municipality.

An establishment operating under the provisions of § 34-46-18 is not included in the limitations provided in this section"

On page 2, line 1, of the Introduced bill, after "door;

(3) Be" delete " enclosed by solid walls or windows, a ceiling, and a solid door and be"

On page 2, line 9, of the Introduced bill, after "tobacco" delete ", has a measured ring gauge of forty or greater, and is sold without a filter"

On page 2, line 13, of the Introduced bill, after "Act" insert ", except as provided in this section"

On page 2, line 18, of the Introduced bill, delete " annually report to the Department of Revenue, on a form prescribed by the department," and insert " maintain records of"

On page 2, line 20, of the Introduced bill, after "cigars" insert ", over the previous three years. The records are subject to inspection by the governing body that issued the license"

On page 2, line 22, of the Introduced bill, after "tobacco" delete ", has a measured ring gauge of forty or greater, and is sold without a filter"

On page 2, line 31, of the Introduced bill, after "products" delete " adopted by the political subdivision that issued the license"

And that as so amended, **HB 1215** do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1274** and returns the same with the recommendation that said bill be amended as follows:

1274G

On page 1, after line 4, of the House State Affairs Engrossed bill, insert: "

Section 1. That § 22-17-5.1 be AMENDED:

22-17-5.1. Any person who administers to any ~~pregnant female~~ person or who prescribes or procures for any ~~pregnant female~~ person any medicine, drug, or substance or uses or employs any instrument or other means with intent thereby to procure an abortion, unless there is appropriate and reasonable medical judgment that performance of an abortion is necessary to preserve the life of the pregnant female, is guilty of a Class 6 felony."

And that as so amended, **HB 1274** do pass.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **HB 1323** and returns the same with the recommendation that said bill be amended as follows:

1323E

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

Section 1. That § 7-18A-8 be AMENDED:

7-18A-8. ~~Except such resolutions or ordinances as may be necessary for the immediate preservation of the public peace, health, or safety, or support of the county government and its existing public institutions; which provide for an election or hearing on an improvement or assessment; or which call for bids which take effect upon the passage and publication thereof, every resolution or ordinance passed by a board shall take effect on the twentieth day after its completed publication unless suspended by operation of a referendum.~~

Except as otherwise provided in this section, an ordinance or resolution passed by a board of county commissioners takes effect on the thirtieth day after the final publication of the ordinance or resolution in the county's official newspapers, as designated pursuant to § 7-18-3.

An ordinance or resolution takes effect upon the passage and publication of the ordinance or resolution if the ordinance or resolution:

(1) May be necessary for:

(a) The immediate preservation of the public peace, health, or safety; or

(b) The support of the county government and its existing public institutions;

(2) Provides for an election;

(3) Provides for a hearing on an improvement or assessment; or

(4) Calls for a bid.

An ordinance or resolution that has been referred to a vote of the people does not take effect until the completion of the referendum process."

On page 8, line 7, of the House Engrossed bill, delete " school" and insert " taxing"

And that as so amended, **HB 1323** do pass.

Respectfully submitted,
Jim Mehlhaff, Chair

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **SB 17, 42, 43, 45, 89, 98, 130, 133, 142, 180, 231, and 240** and finds the same correctly enrolled.

Also MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 32, 81, 82, 88, 100, 101, 113, 138, and 197** were delivered to his Excellency, the Governor, for his approval at 9:13 a.m., March 4, 2026.

Respectfully submitted,
Chris Karr, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to inform your honorable body that **SB 190** was lost on second reading and final passage.

Also MR. PRESIDENT:

I have the honor to return herewith **SB 15, 41, 90, 131, 132, and 214** which have been amended by the House and your concurrence in the amendments is respectfully requested.

Also MR. PRESIDENT:

I have the honor to return herewith **SB 17, 42, 43, 45, 98, 130, 133, 142, 231, and 240** which have passed the House without change.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to **HB 1265**.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, March 5, 2026, the 33rd legislative day.

Which motion prevailed.

Sen. Mehlhaff moved that **HB 1134 and 1135** be deferred to Thursday, March 5, 2026, the 33rd legislative day.

Which motion prevailed.

Sen. Kolbeck (Steve) moved that the Senate do concur in House amendments to **SB 36**.

The question being on Sen. Kolbeck (Steve)'s motion that the Senate do concur in House amendments to **SB 36**.

And the roll being called:

Yeas 31, Nays 3, Excused 1, Absent 0

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

Nays: Hohn, Hulse, and Peterson (Sue)

Excused: Beal

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the amendments were concurred in.

Sen. Howard moved that the Senate do concur in House amendments to **SB 164**.

The question being on Sen. Howard's motion that the Senate do concur in House amendments to **SB 164**.

And the roll being called:

Yeas 32, Nays 2, Excused 1, Absent 0

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

Nays: Foster and Larson

Excused: Beal

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the amendments were concurred in.

Sen. Mehlhaff moved that JR 6H-1 be suspended for the sole purpose of introducing commemorations.

The question being on Sen. Mehlhaff's motion that JR 6H-1 be suspended for the sole purpose of introducing commemorations.

And the roll being called:

Yeas 33, Nays 1, Excused 1, Absent 0

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

Nays: Carley

Excused: Beal

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the motion carried and the rules were suspended.

Yesterday, Sen. Vilhauer announced his intention to reconsider the vote by which **HB 1048** lost.

Sen. Vilhauer moved that the Senate do now reconsider the vote by which **HB 1048** lost.

The question being on Sen. Vilhauer's motion to reconsider the vote by which **HB 1048** lost.

And the roll being called:

Yeas 25, Nays 9, Excused 1, Absent 0

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

Nays: Blanc, Carley, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, and Pischke

Excused: Beal

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and **HB 1048** was up for reconsideration and final passage.

HB 1048: FOR AN ACT ENTITLED, An Act to make an appropriation for the expansion of broadband infrastructure and to declare an emergency.

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

The question being "Shall **HB 1048** pass?"

And the roll being called:

Yeas 24, Nays 10, Excused 1, Absent 0

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

Nays: Blanc, Carley, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Nelson, and Pischke

Excused: Beal

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

CONSIDERATION OF REPORTS OF COMMITTEES

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

Health and Human Services on **HB 1220** as found on page 438 of the Senate Journal; and

Senate Appropriations on **HB 1089** as found on page 449 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

Sen. Deibert moved that **HB 1089** be placed on today's calendar and be immediately considered pursuant to JR 6F-6.

The question being on Sen. Deibert's motion that **HB 1089** be placed on today's calendar and be immediately considered pursuant to JR 6F-6.

And the roll being called:

Yeas 23, Nays 11, Excused 1, Absent 0

Yeas: Crabtree, Davis, Deibert, Duhamel, Foster, Hulse, Karr, Kolbeck (Steve), Larson, Mehlhaff, Miskimins, Otten, Perry, Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Wipf, and Zikmund

Nays: Blanc, Carley, Grove, Hohn, Howard, Jensen (Kevin), Lapka, Marty, Nelson, Peterson (Sue), and Voita

Excused: Beal

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion prevailed and **HB 1089** was so placed.

HB 1089: FOR AN ACT ENTITLED, An Act to modify the distributions of revenues collected from severance taxation on new permits.

Was read the second time.

The question being "Shall **HB 1089** pass?"

And the roll being called:

Yeas 21, Nays 13, Excused 1, Absent 0

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

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

Excused: Beal

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

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

Sen. Rohl moved that the report of the Conference Committee on **SB 3** as found on page 441 of the Senate Journal be adopted.

The question being on Sen. Rohl's motion that the report of the Conference Committee on **SB 3** be adopted.

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was adopted.

CONSIDERATION OF EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive appointment of Kevin Nyberg of Lincoln County, Sioux Falls, South Dakota, to the Game, Fish and Parks Commission.

The question being "Does the Senate advise and consent to the executive appointment of Kevin Nyberg?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

The Senate proceeded to the consideration of the executive appointment of Chuck Spring of Meade County, Union Center, South Dakota, to the Game, Fish and Parks Commission.

The question being "Does the Senate advise and consent to the executive appointment of Chuck Spring?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

Sen. Mehlhaff requested that **HB 1299** be removed from the Consent Calendar.

HB 1180: FOR AN ACT ENTITLED, An Act to ensure the validity of non-compete agreements in the context of jointly owned business entities.

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

HB 1292: FOR AN ACT ENTITLED, An Act to limit the ability of a health carrier to recoup, recover, or retroactively deny previously paid claims.

HB 1311: FOR AN ACT ENTITLED, An Act to require the reporting of funding given by certain persons and governments to institutions under the control of the Board of Regents and the South Dakota Board of Technical Education.

Were read the second time.

The question being "Shall **HB 1292** pass as amended, and **HB 1180, 1238, and 1311** pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1017: FOR AN ACT ENTITLED, An Act to permit the board of a school district to require that certain students receive instruction in alternative settings.

Was read the second time.

The question being "Shall **HB 1017** pass as amended?"

And the roll being called:

Yeas 33, Nays 1, Excused 1, Absent 0

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

Nays: Foster

Excused: Beal

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

HB 1200: FOR AN ACT ENTITLED, An Act to make an appropriation for victim services provided by nonprofit organizations.

Was read the second time.

Sen. Reed moved that **HB 1200** be amended as follows:

1200E

On page 1, line 4, of the Joint Appropriations Engrossed bill, delete " $101" and insert " $102 "

Which motion prevailed.

The question being "Shall **HB 1200** pass as amended?"

And the roll being called:

Yeas 32, Nays 2, Excused 1, Absent 0

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

Nays: Carley and Pischke

Excused: Beal

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

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

Was read the second time.

The question being "Shall **HB 1209** pass as amended?"

And the roll being called:

Yeas 32, Nays 2, Excused 1, Absent 0

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

Nays: Foster and Larson

Excused: Beal

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

HB 1244: FOR AN ACT ENTITLED, An Act to repeal the special donations fund and make an appropriation to the Department of Education for the provision of a grant to support the Jobs for America's Graduates-South Dakota program.

Was read the second time.

The question being "Shall **HB 1244** pass?"

And the roll being called:

Yeas 30, Nays 4, Excused 1, Absent 0

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

Nays: Blanc, Carley, Howard, and Marty

Excused: Beal

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

HB 1262: FOR AN ACT ENTITLED, An Act to make an appropriation for a non-residential, school-based, therapeutic services facility in Brown County and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1262** pass as amended?"

And the roll being called:

Yeas 30, Nays 4, Excused 1, Absent 0

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

Nays: Carley, Foster, Howard, and Voita

Excused: Beal

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

HB 1263: FOR AN ACT ENTITLED, An Act to eliminate an exclusion from the definition of an agricultural equipment dealer.

Was read the second time.

The question being "Shall **HB 1263** pass?"

And the roll being called:

Yeas 28, Nays 6, Excused 1, Absent 0

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

Nays: Carley, Deibert, Foster, Lapka, Larson, and Wipf

Excused: Beal

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

There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **HB 1241, which was recalled;** and returns the same with the recommendation that said bill be amended as follows:

1241A

On page 1, line 1, of the Introduced bill, delete "increase the amount of value exempt from property taxes under" and insert " modify the exemption amount and eligibility criteria for"

On page 1, line 2, of the Introduced bill, delete " for disabled" and insert " provided to certain"

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

Section 1. That § 10-1-47 be AMENDED:

10-1-47. The terms "United States Internal Revenue Code" and "Internal Revenue Code" mean the United States Internal Revenue Code as amended and in effect on January 1, 2025. This section applies to §§ 10-4-9.1, 10-4-9.2, 10-4-9.3, 10-4-9.4, 10-4-39, 10-6-157, ~~and~~ 10-43-10.1, and section 4 of this Act, and subdivisions 10-6A-1(7), 10-6B-1(5), 10-18A-1(6), 10-43-10.3(6), and 10-45A-1(5)."

On page 1, line 5, of the Introduced bill, after "hundred" delete " twenty-five"

On page 1, line 24, of the Introduced bill, after "hundred" delete " twenty-five"

On page 2, after line 22, of the Introduced bill, insert: "

Section 4. That a NEW SECTION be added to chapter 10-4:

For purposes of the real property tax exemption provided under §§ 10-4-40 and 10-4-41, an additional twenty-five thousand dollars of the full and true value of the owner-occupied single-family dwelling, as defined in § 10-13-39, is exempt from taxation if:

(1) For the exemption provided in:

(a) § 10-4-40, the disabled veteran qualifies for total disability based on individual unemployability, as determined by the United States Department of Veterans Affairs; and

(b) § 10-4-41, the disabled veteran qualified for total disability based on individual unemployability, as determined by the United States Department of Veterans Affairs; and

(2) The disabled veteran or surviving spouse has an annual household income not exceeding fifty-five thousand dollars for a single-member household, and not exceeding sixty-five thousand dollars for a multi-member household.

For purposes of this section, "household income" means the sum of the adjusted gross income of all members of the household for the preceding calendar year, as determined pursuant to the Internal Revenue Code, as defined by § 10-1-47."

1241C

On page 1, line 1, of the Introduced bill, delete "increase the amount of value exempt from property taxes under a tax relief program for disabled veterans and surviving spouses" and insert " modify the requirements for public notice of a hearing prior to a vote to impose an excess tax levy, and to modify requirements to refer an excess tax levy of a school district to a vote"

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

"

Section 1. That a NEW SECTION be added to chapter 10-12:

At least twenty-one days prior to a vote by the board of a school district to impose an excess tax levy pursuant to § 10-12-43 or 10-12-43.1, the board shall publish, in the legal newspaper designated pursuant to § 13-8-10 and on the district's website, notice of its intent to vote on the imposition of an excess tax levy.

The county director of equalization shall mail or electronically transmit the notice to all property owners in the district within the county's boundaries, and the school district shall reimburse the county for printing and mailing costs incurred by the county pursuant to this section.

The notice must include:

(1) The maximum amount under consideration in excess of the limitations applicable to the school district;

(2) The amount allowed to be imposed without an excess tax levy;

(3) The date, time, and location of the public hearing at which the board will vote to impose an excess tax levy;

(4) The estimated increase in property taxes, in the district per one hundred thousand dollars of taxable value, as a result of the excess tax levy; and

(5) The intended use of moneys collected from the excess tax levy being considered.

The board of the school district shall, at the public hearing, provide taxpayers with an opportunity to comment on the excess tax levy.

Section 2. That § 10-12-43 be AMENDED:

10-12-43. The governing body of the school district may raise additional revenues for general fund purposes only, from property tax through the imposition of an excess tax levy. The governing body of a school district may impose the excess tax levy with an affirmative two-thirds vote of the governing body on or before July fifteenth of the year prior to the year the taxes are payable. On any excess tax levy approved after July 1, 2002, the governing body of the taxing district shall specify in the resolution the year or number of years the excess tax levy will be applied and the total maximum dollar amount of taxes payable over the full term of the excess tax levy.

The requirements for an announcement made pursuant to this section are as follows:

(1) The decision of the governing body to originally impose or subsequently increase an excess tax levy shall be first published within ten days of the decision;

(2) Publication shall be made at least twice in the legal newspaper designated pursuant to § 13-8-10, with no fewer than five days between publication dates, before the opt out takes effect;

(3) The announcement shall be at least three newspaper columns in width and four inches in length or at least one-sixth of a page in size, whichever size is greater;

(4) The announcement shall be headed with the following statement in a typeface no less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF $(fill in amount)." The remainder of the announcement shall consist of a reproduction of the "Resolution for Opt Out," including the amount that property taxes will be increased annually by the proposed opt out ~~and~~, the number of years that the excess tax levy is to be applied, and the total maximum dollar amount of taxes payable over the full term of the excess tax levy, a statement of the right to refer the decision of the board to a vote of the people as provided in this section. The secretary of revenue, in rules promulgated pursuant to chapter 1-26, shall prescribe a uniform form to be used by the school district for notification of taxpayers as required by this section.

However, the requirements of subdivisions (3) and (4) shall be waived if:

(A) The opt out is for less than fifteen thousand dollars; or

(B) A copy of the resolution for opt out is mailed to every property taxpayer in the local governmental unit, by first class mail or bulk mail, within twenty days of the decision to opt out; and

(C) A copy of the resolution for opt out is printed in each official newspaper in the local governmental unit's boundaries.

For the purposes of subsections (A), (B), and (C), the first publication is not deemed to have occurred until three days after the mailing is sent or the resolution is delivered to the official newspaper.

~~The opt out decision may be referred to a vote of the people upon a resolution of the governing body of the school district or by a petition signed by at least five percent of the registered voters in the school district and filed with the governing body within twenty days of the first publication of the decision. The referendum election shall be held on or before October first of the year prior to the time the taxes are payable.~~

Section 3. That § 10-12-43.1 be AMENDED:

10-12-43.1. A school district may raise additional revenues for capital outlay fund purposes through the imposition of an excess tax levy. A school district seeking to impose an excess tax levy pursuant to this section is subject to the same opt out procedures and requirements as provided in § 10-12-43. ~~The opt out decision may be referred to a vote of the people in the same manner as provided in § 10-12-43.~~

A school district imposing an excess tax levy pursuant to this section shall exclude any additional revenue generated by the excess tax levy from the total tax revenues deposited in the capital outlay fund when calculating the maximum allowable transfer to the school district's general fund authorized under § 13-16-6. ~~Any additional~~ Additional revenue generated by the excess tax levy may only be used for capital outlay fund purposes pursuant to § 13-16-6.

In no year may the annual tax levy for capital outlay fund purposes exceed the levy authorized under § 13-16-7.

Section 4. That a NEW SECTION be added to chapter 10-12:

The registered voters of a school district may refer a resolution adopted by the board of a school district to impose an excess tax levy, pursuant to § 10-12-43 or 10-12-43.1, by filing a petition with the business manager of the school district. The petition must be signed by at least five percent of the registered voters of the school district, based on the total number of registered voters of the school district, or signed by two thousand registered voters in the school district, whichever is less, within twenty days of the adoption of the resolution.

The ballot used for an excess tax levy election must clearly state the number of years the excess tax levy is to be applied and the total maximum dollar amount of taxes payable over the full term of the excess tax levy. The election must be conducted in the same manner as a special election conducted pursuant to § 13-16-6.4, except that the referendum election must be held on or before October first of the year prior to the year the taxes are payable.

Section 5. That a NEW SECTION be added to chapter 10-13:

At least twenty-one days prior to a vote to impose an excess tax levy pursuant to § 10-13-36, the governing body of a taxing district shall publish, in the legal newspaper designated pursuant to § 13-8-10 and on the district’s website, notice of its intent to vote on the imposition of an excess tax levy.

For excess tax levies imposed by a district other than a county, the county director of equalization shall mail or electronically transmit the notice to all property owners in the district within the county's boundaries, and the district shall reimburse the county for printing and mailing costs incurred by the county pursuant to this section.

For excess tax levies imposed by a county, the county director of equalization shall mail or electronically transmit the notice to all property owners in the county.

The notice must include:

(1) The maximum amount under consideration in excess of the limitations applicable to the taxing district;

(2) The amount allowed to be imposed without an excess tax levy;

(3) The date, time, and location of the public hearing at which the governing body will vote to impose an excess tax levy;

(4) The estimated increase in property taxes in the district, per one hundred thousand dollars of taxable value, as a result of the excess tax levy; and

(5) The intended use of moneys collected from the excess tax levy being considered.

The governing body of the district shall, at the public hearing, provide taxpayers with an opportunity to comment on the excess tax levy."

And that as so amended, **HB 1241** do pass.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **HB 1253** and returns the same with the recommendation that said bill be amended as follows:

1253C

On the House Taxation Engrossed bill, delete everything after the enacting clause and insert:

"

Section 1. That § 10-6-101 be AMENDED:

10-6-101. Terms used in this chapter mean:

(1) "Assessment year," the year in which real property is assessed, which immediately precedes the year in which property taxes are due and payable;

(2) "Department," the Department of Revenue;

~~(2)~~(3) "Director," a county's director of equalization;

(4) "Prior assessment year," the assessment year immediately preceding the current assessment year;

~~(3)~~(5) "Tract," "lot," "piece," or "parcel," any contiguous quantity of land that is possessed by, owned by, or recorded in the name of the same person.

Section 2. That § 10-6-119 be AMENDED:

10-6-119. The director shall individually assess each tract of real property at its fair market value, subject to the limitations provided in section 3 of this Act.

In determining the fair market value of property, the director may not adopt a lower or different standard of value because it is to serve as a basis of taxation. The director may not adopt as a criterion of value the price for which a tract of real property would sell at a forced sale, or in the aggregate with all other tracts of real property in the county. The director shall determine the fair market value by appropriate consideration of the cost approach, the market approach, and the income approach to appraisal. The director shall consider and document all elements of such approaches that are applicable prior to a determination of fair market value.

Section 3. That a NEW SECTION be added to chapter 10-6:

Except as otherwise provided in sections 4 to 6, inclusive, of this Act, for the 2027 assessment year and each assessment year thereafter, the director shall adjust the assessed value of each property classified as an owner-occupied single-family dwelling or nonagricultural property, pursuant to § 10-6-110, to equal the lesser of:

(1) The fair market value of the property, determined pursuant to § 10-6-119; or

(2) The assessed value of the property in the prior assessment year, increased by five percent.

Section 4. That a NEW SECTION be added to chapter 10-6:

Notwithstanding section 3 of this Act, every seventh assessment year, the director shall assess each owner-occupied single-family dwelling and nonagricultural property, classified pursuant to § 10-6-110, at the property's fair market value determined pursuant to § 10-6-119.

Section 5. That a NEW SECTION be added to chapter 10-6:

The provisions of section 3 of this Act do not apply to assessed value derived solely from the new construction of, reconstruction of, improvements to, or additions to, real property for the first assessment since the new construction, reconstruction, improvement, or addition was made.

Section 6. That a NEW SECTION be added to chapter 10-6:

The provisions of section 3 of this Act do not apply to property assessed under chapters 10-28 to 10-38, inclusive.

Section 7. That § 10-6-124 be AMENDED:

10-6-124. The secretary of ~~revenue~~ the department may promulgate rules pursuant to chapter 1-26 concerning the:

(1) Collection and tabulation of information required to determine median appraisal or sales assessment ratio, and coefficient of dispersion;

(2) Criteria to be included in a compliance audit of assessment practices;

(3) Conditions under which a certificate of compliance may be issued to a county;

(4) Procedures for determining the valuation of agricultural buildings and structures;

(5) Procedures for determining the valuation of dwellings on agricultural land and automobile garages or portions of buildings used as automobile garages;

(6) Application of cropland and noncropland income values;

(7) Application of soil classification standards; ~~and~~

(8) Procedures for making adjustments to the value of agricultural land pursuant to §§ 10-6-127 to 10-6-132, inclusive; and

(9) Adjustment to the assessed value of property pursuant to sections 3 to 6, inclusive, of this Act.

Before the secretary promulgates any rules pursuant to subdivision (4) to (8), inclusive, the secretary shall present the proposed rules to the Agricultural Land Assessment Implementation and Oversight Advisory Task Force established pursuant to § 10-6-134.

"

1253D

On the previously adopted amendment (1253C), On page 2, line 12, delete " seventh" and insert " fifth"

And that as so amended, **HB 1253** do pass.

Respectfully submitted,
Sue Peterson, Chair

SIGNING OF BILLS

The President publicly read the title to

SB 17: FOR AN ACT ENTITLED, An Act to prohibit a candidate or political committee from accepting contributions or loans made by a foreign national, to provide a penalty therefor, and to declare an emergency.

SB 42: FOR AN ACT ENTITLED, An Act to enhance the penalties for ingestion, possession with intent to deliver, and delivery of a controlled substance in a state correctional facility.

SB 43: FOR AN ACT ENTITLED, An Act to address search and seizure provisions applicable to digital currency.

SB 45: FOR AN ACT ENTITLED, An Act to revise a provision regulating delta-8 tetrahydrocannabinol, THC-O acetate, and hexahydrocannabinol for persons under the age of twenty-one and to provide a penalty therefor.

SB 89: FOR AN ACT ENTITLED, An Act to create a task force to study the provision of emergency medical services as an essential service and the funding thereof.

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

SB 130: FOR AN ACT ENTITLED, An Act to make an appropriation for roadway and related infrastructure improvements required because of construction activity at Ellsworth Air Force Base and to declare an emergency.

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

SB 142: FOR AN ACT ENTITLED, An Act to amend the requirements for filing certain campaign finance disclosure statements.

SB 180: FOR AN ACT ENTITLED, An Act to modify requirements regarding nondomiciled commercial driver licenses.

SB 231: FOR AN ACT ENTITLED, An Act to create the water infrastructure development fund, to provide an appropriation, to provide for the awarding of grants and loans from the fund for certain rural water projects and to declare an emergency.

SB 240: FOR AN ACT ENTITLED, An Act to make an appropriation for county rural access infrastructure and to declare an emergency.

HB 1027: FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations regarding pipeline safety inspections.

HB 1049: FOR AN ACT ENTITLED, An Act to protect electric infrastructure in this state.

HB 1092: FOR AN ACT ENTITLED, An Act to update provisions pertaining to open records.

HB 1099: FOR AN ACT ENTITLED, An Act to reschedule the pharmaceutical composition of crystalline polymorph psilocybin in a drug product approved by the Food and Drug Administration as a Schedule IV controlled substance.

HB 1107: FOR AN ACT ENTITLED, An Act to modify restrictions on lands for certain public purposes.

HB 1126: FOR AN ACT ENTITLED, An Act to revise a provision related to driving under the influence.

HB 1164: FOR AN ACT ENTITLED, An Act to establish the crime of fraudulent assisted reproduction and provide a penalty and civil liability therefor.

HB 1188: FOR AN ACT ENTITLED, An Act to limit the liability of law enforcement officers and others when removing a disabled vehicle from a highway, a right of way, or public waters.

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

HB 1234: FOR AN ACT ENTITLED, An Act to revise provisions related to serving a subpoena in a contested case.

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.

And signed the same in the presence of the Senate.

COMMEMORATIONS

SC 819: A LEGISLATIVE COMMEMORATION honoring the 2025-2026 Canton C-Hawk girls wrestling team.

Introduced by: **Senator** Jensen (Kevin)

SC 820: A LEGISLATIVE COMMEMORATION honoring Dr. Margaret Becker as the recipient of the 2025 Copic Humanitarian Award.

Introduced by: **Senator** Deibert

SC 821: A LEGISLATIVE COMMEMORATION honoring Arthur Mauf for his dedication and service to the United States as he approaches his 100th birthday.

Introduced by: **Senator** Crabtree

SC 822: A LEGISLATIVE COMMEMORATION honoring TKO’s Custom Catering and Capitol Cafe for outstanding service.

Introduced by: **Senator** Wipf

SC 823: A LEGISLATIVE COMMEMORATION honoring the achievements of Canton C-Hawks wrestling team coach Jeremy Ask.

Introduced by: **Senator** Jensen (Kevin)

SC 824: A LEGISLATIVE COMMEMORATION honoring the 2025-2026 Canton C-Hawks boys wrestling team.

Introduced by: **Senator** Jensen (Kevin)

SC 825: A LEGISLATIVE COMMEMORATION celebrating the life and legacy of Casey Joe Wilson.

Introduced by: **Senator** Pischke

SC 826: A LEGISLATIVE COMMEMORATION celebrating the Wall High School Eagles as the 2025 Class 9A State Football Champions.

Introduced by: **Senators** Foster and Perry and **Representative** Muckey

SC 827: A LEGISLATIVE COMMEMORATION honoring Ashlan Carlow-Blount for excellence in athletics, academics, and leadership.

Introduced by: **Senator** Foster

SC 828: A LEGISLATIVE COMMEMORATION honoring the legacy of Joseph M. Marshall III.

Introduced by: **Senator** Foster

SC 829: A LEGISLATIVE COMMEMORATION recognizing ten years of the Wall Economic Development Corporation.

Introduced by: **Senator** Foster

SC 830: A LEGISLATIVE COMMEMORATION honoring Dave Bonde for exemplary service to South Dakota.

Introduced by: **Senators** Foster and Perry and **Representative** Muckey

SC 831: A LEGISLATIVE COMMEMORATION recognizing the historical significance of the buffalo and celebrating their return to tribal lands in this state.

Introduced by: **Senators** Foster and Perry and **Representative** Muckey

Sen. Carley moved that the Senate do now adjourn, which motion prevailed and at 4:31 p.m. the Senate adjourned.

Peggy Laurenz, Secretary