

Title Summaries



One Hundred First Session
2026



Table of Contents

Title 1 – State Affairs and Government.....	1
Title 2 – Legislature and Statutes	3
Title 3 – Public Officers and Employees	4
Title 4 – Public Fiscal Administration	5
Title 5 – Public Property, Purchases and Contracts	6
Title 6 – Local Government Generally.....	7
Title 7 – Counties.....	8
Title 8 – Townships	9
Title 9 – Municipal Government.....	10
Title 10 – Taxation	11
Title 11 – Planning, Zoning and Housing Programs.....	13
Title 12 – Elections	14
Title 13 – Education	16
Title 14 – Libraries	18
Title 15 – Civil Procedure	19
Title 16 – Courts and Judiciary	20
Title 17 – Notice and Publication.....	21
Title 18 – Oaths and Acknowledgments	22
Title 19 – Evidence	23
Title 20 – Personal Rights and Obligations	24
Title 21 – Judicial Remedies	25
Title 22 – Crimes.....	26
Title 23 – Law Enforcement.....	28

Title 23A – Criminal Procedure.....	29
Title 24 – Correctional Facilities and Parole	30
Title 25 – Domestic Relations	31
Title 26 – Minors	32
Title 27A – Mentally Ill Persons.....	33
Title 27B – Developmentally Disabled Persons	34
Title 28 – Public Welfare and Assistance.....	35
Title 29A – Uniform Probate Code.....	36
Title 30 – Probate and Guardianship Procedure.....	37
Title 31 – Highways and Bridges.....	38
Title 32 – Motor Vehicles	39
Title 33 – Military Affairs	41
Title 33A – Veterans Affairs.....	42
Title 34 – Public Health and Safety	43
Title 34A – Environmental Protection.....	45
Title 35 – Alcoholic Beverages.....	46
Title 36 – Professions and Occupations	47
Title 37 – Trade Regulation	48
Title 38 – Agriculture and Horticulture	49
Title 39 – Food and Drugs	50
Title 40 – Animals and Livestock	51
Title 41 – Game, Fish, Parks and Forestry	52
Title 42 – Recreation and Sports	53
Title 43 – Property.....	54
Title 44 – Liens	55
Title 45 – Mining, Oil and Gas	56

Title 46 – Water Rights	57
Title 46A – Water Management	58
Title 47 – Corporations	59
Title 48 – Partnerships	60
Title 49 – Public Utilities and Carriers	61
Title 50 – Aviation	63
Title 51A – Banks and Banking	64
Title 53 – Contracts.....	65
Title 54 – Debtor and Creditor	66
Title 55 – Fiduciaries and Trusts	67
Title 56 – Guaranty, Suretyship and Indemnity	68
Title 57A – Uniform Commercial Code.....	69
Title 58 – Insurance	70
Title 59 – Agency	71
Title 60 – Labor and Employment.....	72
Title 61 – Reemployment Assistance	73
Title 62 – Workers' Compensation.....	74

2026 Title Summaries

Title 1 – State Affairs and Government



This memorandum summarizes 2026 legislation codified in SDCL Title 1 – **State Affairs and Government**.

HB 1054 repeals provisions creating the Digital Dakota Network, removes administration and budgeting requirements for the network, and directs the Bureau of Information and Technology to create a telecommunications network that provides cost-effective services for business, education, government, and rural economic development, and ensures network uses are consistent with the best interests of the state and telecommunications network users.

HB 1092 updates open records language related to the protection of public or private property to align with existing language in SDCL 1-25-2, pertaining to executive or closed meetings for purposes of discussing information pertaining to the protection of public or private property.

HB 1219 permits a party to a contested administrative case proceeding to obtain the services of a translator or interpreter. The bill also provides that if a witness or a party needs a language interpreter or translator in a contested case proceeding, the agency must procure and compensate a disinterested interpreter or translator.

HB 1232 establishes guiding principles that state agencies must consider when developing or administering any program that has the potential of impacting tribal members on a reservation. These include a commitment to cooperation and collaboration, understanding and respect, regular communication, accountability, and preservation of the tribal-state relationship.

HB 1234 establishes that, in a contested case, any party or the party's attorney of record may have reasonable opportunity to inspect all documentary evidence, examine and cross-examine witnesses, present evidence in support of the party's interest, and issue subpoenas on the party's behalf. The bill also permits any attorney of record or officer of an administrative agency to administer oaths and subpoena witnesses or interested parties, if the subpoena is served on each party to the matter pending. The subpoena may be quashed or modified if the subpoena is unreasonable or oppressive, or conditioned upon the payment of reasonable costs of producing the documentary evidence.

HB 1249 clarifies the authority of the School Finance Accountability Board, including its ability to waive any reduction to a school district's state aid for general education or certain penalties, and removes the requirement that the Joint or Interim Committee on Appropriations approve any waivers recommended by the board.

SB 44 permits the attorney general to apply for judicial approval to issue an investigative subpoena for certain business records in any criminal investigation conducted by the Division of Criminal Investigation and involving a state offense related to internet crimes against children or human trafficking.

SB 46 requires that an official meeting agenda of a public body contain a detailed listing of all items of business or policy to be considered at the meeting. The bill also provides that a violation of the requirement is a Class 2 misdemeanor.

SB 47 establishes that a public body at an open official meeting may enter into an executive session or closed meeting only upon a majority vote of the members present. The bill also requires that the motion to enter into executive session must reference the code section authorizing the holding of an executive session and, in the absence of a unanimous vote, the vote to enter into executive session must be taken by roll call. The bill further clarifies requirements pertaining to reporting executive session motions and votes, restricting discussions held during an executive session, and taking official action concerning matters considered in an executive session or closed meeting.

SB 48 clarifies that the seventy-two-hour notice requirement for an official state meeting includes posting a copy of the proposed agenda, which is visible, readable, and accessible to the public, on a state website designated by the commissioner of the Bureau of Finance and Management.

SB 56 requires that agencies proposing permanent rules publish, at least twenty days before the public hearing to adopt the rules, on a single website designated by the Governor and maintained by the executive department, the proposed rules, together with the impact statement on small business, housing cost impact statement, fiscal note, and notice of hearing. The bill also requires the agency to publish on the website, at least seven days prior to the date on which the agency appears before the Interim Rules Review Committee, the code counsel's advisement, the public hearing minutes, the agency financial resource information, and a corrected copy of the rules.

SB 57 requires that, upon receipt of approval to proceed with the permanent administrative rulemaking process, the agency must file a copy of the agency financial resource information with the code counsel. This information consists of the agency's beginning fund balance, receipts, disbursements, and ending fund balance for each of the last two fiscal years, as well as the agency's beginning fund balance, projected receipts, projected disbursements, and ending balance for the current fiscal year and the next fiscal year.

SB 71 authorizes the Department of Transportation to assume all or part of the responsibilities of the federal government under the National Environmental Policy Act, as it relates to highway projects, and waives sovereign immunity from suit in federal court in cases that involve compliance, discharge, or enforcement of responsibilities assumed by the department. The bill also clarifies the state's responsibility toward successful litigants in actions related to the assumption of responsibilities.

SB 73 updates requirements for filing and accessing certain state contracts, financial information, and records, including provisions for the electronic signing and submission of documents. The bill also updates mileage reimbursement provisions pertaining to privately owned motor vehicles used for state business. The bill further clarifies state procedures for issuing warrants, maintaining and destroying records, promulgating rules, and reconciling accounts.

SB 132 updates the list of organizations that have a representative on the South Dakota Veterans Council and requires the council to provide recommendations to the Department of Veterans Affairs on budgets, legislation, policies, and programs affecting veterans of this state and their dependents. The bill also requires the Department of Veterans Affairs to meet with the South Dakota Veterans Council twice each year.

SB 133 requires that an agency proposing permanent rules prepare a regulatory impact analysis that states whether the proposed rule is likely to have more than \$3 million in implementation and compliance costs incurred by or passed along to businesses, individuals, other nongovernmental entities, and units of local government over the two-year period following adoption of the rule. The analysis must also state the need and legal basis for the rule, contain alternative options, and include a cost-benefit evaluation.

SB 197 reduces the number of times that the South Dakota-Ireland Trade Commission must meet from quarterly to at least once each year and transfers administrative responsibility for the South Dakota-Ireland trade fund from the Department of Agriculture and Natural Resources to the Executive Board of the Legislative Research Council.

2026 Title Summaries

Title 2 – Legislature and Statutes



This memorandum summarizes 2026 legislation codified in SDCL Title 2 – **Legislature and Statutes**.

HB 1055 updates the official code of laws of the state.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

2026 Title Summaries

Title 3 – Public Officers and Employees



This memorandum summarizes 2026 legislation codified in SDCL Title 3 – **Public Officers and Employees**.

HB 1002 revises the maximum daily meal allowance for wildland fire employees and fire suppression forces while performing duties on any uncontrolled fire within the Black Hills Forest Fire Protection District, or outside the district if the Governor declares an emergency.

SB 50 updates, from 2025 to 2026, a statutory reference to the Internal Revenue Code, for the purpose of administering South Dakota Retirement System statutes.

SB 51 revises and clarifies the process for contesting actions of the South Dakota Retirement System, particularly the actions of the executive director. The bill also provides that an individual who is aggrieved by an order of the executive director of the South Dakota Retirement System may request a contested case hearing, if the individual believes the order is based on a mistake of fact or error of law.

SB 52 clarifies that the executive director of the South Dakota Retirement System must, after receiving an application for disability benefits, issue an order approving or denying the application and mail the order to the member's last known address. The bill also provides that if the executive director determines a member no longer qualifies for disability benefits, the executive director must issue an order terminating the benefits and mail the order to the member's last known address.

SB 53 provides that in order for a member who has left covered employment to withdraw the member's contributions to the retirement system, the member must file an application with the executive director, on a form approved by the retirement system.

SB 54 provides that an individual who is a participant in the South Dakota deferred compensation plan and who is at least fifty-nine and one-half years old may elect to receive an in-service distribution from the plan.

SB 65 updates the time requirements for the distribution of a deceased participant's interest in South Dakota Retirement System benefits, and clarifies applicable elections pertaining to distributions to the deceased participant's surviving dependents and other beneficiaries.

SB 73 updates requirements for filing and accessing certain state contracts, financial information, and records, including provisions for the electronic signing and submission of documents. The bill also updates mileage reimbursement provisions pertaining to privately owned motor vehicles used for state business. The bill further clarifies state procedures for issuing warrants, maintaining and destroying records, promulgating rules, and reconciling accounts.

2026 Title Summaries

Title 4 – Public Fiscal Administration



This memorandum summarizes 2026 legislation codified in SDCL Title 4 – **Public Fiscal Administration**.

HB 1018 provides that June 30, 2028, is the reversion date for moneys appropriated in 2022, to the Department of Education, for the renovation of the Cultural Heritage Center.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

SB 73 updates requirements for filing and accessing certain state contracts, financial information, and records, including provisions for the electronic signing and submission of documents. The bill also updates mileage reimbursement provisions pertaining to privately owned motor vehicles used for state business. The bill further clarifies state procedures for issuing warrants, maintaining and destroying records, promulgating rules, and reconciling accounts.

2026 Title Summaries

Title 5 – Public Property, Purchases and Contracts



This memorandum summarizes 2026 legislation codified in SDCL Title 5 – **Public Property, Purchases and Contracts**.

SB 26 clarifies that a political subdivision's utility contract may be bid in combination with a highway construction contract of the Department of Transportation.

SB 73 updates requirements for filing and accessing certain state contracts, financial information, and records, including provisions for the electronic signing and submission of documents. The bill also updates mileage reimbursement provisions pertaining to privately owned motor vehicles used for state business. The bill further clarifies state procedures for issuing warrants, maintaining and destroying records, promulgating rules, and reconciling accounts.

SB 119 creates the capitol restoration fund, to be administered by the Bureau of Human Resources and Administration, for the purpose of restoring, renovating, and improving the state capitol building. The bill also transfers \$1.1 million into the fund.

2026 Title Summaries

Title 6 – Local Government Generally



No 2026 legislation was codified in SDCL Title 6 – **Local Government Generally**.

2026 Title Summaries

Title 7 – Counties



This memorandum summarizes 2026 legislation codified in SDCL Title 7 – **Counties**.

HB 1060 removes from the county budgeting process the requirement to calculate and add five percent of the total appropriations payable out of each particular fund when determining the amount necessary to be raised for the funds during the next fiscal year through tax levies.

HB 1320 provides that written notice of an appeal of a decision by a board of county commissioners may be served upon any county auditor or commissioner, upon the state's attorney of the county, or upon any person appointed by the board pursuant to resolution to accept notice.

2026 Title Summaries

Title 8 – Townships



No 2026 legislation was codified in SDCL Title 8 – **Townships**.

2026 Title Summaries

Title 9 – Municipal Government



This memorandum summarizes 2026 legislation codified in SDCL Title 9 – **Municipal Government**.

HB 1030 permits the governing body of a municipality to change from holding the required municipal election annually to holding the election only in even-numbered years.

HB 1095 changes the deadline for filing a nominating petition to qualify for a municipal election from seventy days before the date of the election to the third Tuesday of March, for an election held in June, or the third Tuesday of August, for an election held in November. The bill also amends the withdrawal date for candidates for municipal office and eliminates a candidate's ability to submit a nominating petition by registered mail.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

HB 1245 provides that a municipality shall establish a five-member capital improvement board, which is charged with considering an ordinance to impose an additional municipal gross receipts tax. If approved by the board, the question of the tax must be submitted to the voters. The purpose of the tax is to fund the acquisition or lease of real property, a plant asset, or equipment, or for the construction, repair, or renovation of real property owned by the municipality.

SB 21 modifies a reference to definitions relating to the income and disability status of property owners.

SB 165 updates provisions pertaining to vacancies in the offices of the mayor, the president of the city council, and other elective and appointive offices, and authorizes municipal governing bodies to make determinations pertaining to the duties, terms, and qualifications of elected and appointed officers, as well as procedures for the removal of appointed officers. The bill simplifies bonding requirements for appointed officers, clarifies ordinance and resolution procedures, removes certain records destruction provisions, and allows municipalities to adopt building and safety codes without publication of the entire code text. The bill increases, from \$5,000 to \$10,000, the annual compensation threshold for elected officers providing any other service for a municipality. The bill consolidates sections pertaining to municipal finance officer duties and repeals the prohibition against guaranteed income programs.

SB 176 requires that the municipal finance officer retain ballots, poll books, and other election materials for at least twenty-two months following a municipal election.

2026 Title Summaries

Title 10 – Taxation



This memorandum summarizes 2026 legislation codified in SDCL Title 10 – **Taxation**.

HB 1051 reduces the maximum property tax levies that a school district may impose and amends certain amounts used in calculating state aid for general and special education, including the target teacher salary, overhead rate, and allocations for students with a disability.

HB 1060 removes from the county budgeting process the requirement to calculate and add 5 percent of the total appropriations payable out of each particular fund when determining the amount necessary to be raised for the funds during the next fiscal year though tax levies.

HB 1088 removes the requirement that counties remit to municipalities 25 percent of moneys raised for county roads for calendar years 1984, 1985, and 1986.

HB 1089 revises the distribution of tax revenues collected from certain persons for the purpose of severing precious metals. The revision removes the \$1 million limitation imposed on the amount distributed to counties in the case of persons permitted on or after July 1, 2026.

HB 1193 requires a board of county commissioners to issue an abatement or refund of property taxes to a disabled veteran, if the veteran qualified for a property tax exemption but failed to meet the application due to a pending claim for a permanent and total disability rating through the United States Department of Veteran Affairs.

HB 1220 establishes licensing requirements for distributors of nicotine products in this state, and provides that a person who is engaged in the business of selling or distributing nicotine products may not ship or transport, or cause to be shipped or transported, nicotine products directly to any consumer in this state. The bill also creates a nicotine enforcement fund for defraying expenses associated with enforcement of the bill.

HB 1233 clarifies the application of sales and use tax on remote sellers and marketplace providers for purposes of tax collection agreements entered into with an Indian tribe.

HB 1245 authorizes a municipality to impose an additional gross receipts tax, not exceeding 1 percent, if supported by at least 60 percent of the voters of the municipality. The collections are limited to the amount specified in the ordinance and may be used only for the acquisition or lease of real property, a plant asset, or equipment, or for the construction, repair, or renovation of real property owned by the municipality.

HB 1254 exempts from sales tax the gross receipts from the sale of any soil amendment, provided 500 pounds or more of any one of the products is sold in a single sale to be used exclusively for agricultural purposes.

HB 1258 provides that each property tax bill must include a QR code and an internet address, connecting the taxpayer to a website maintained by the Department of Revenue, which provides supplementary information on property taxes and on property tax relief programs.

HB 1260 provides that the governing body of a municipality may, by ordinance, establish a program that provides a property tax rebate to the owner of an owner-occupied single-family dwelling. The bill specifies that the rebate is available only for taxes levied by the municipality.

HB 1264 eliminates the Agricultural Land Assessment Implementation and Oversight Advisory Task Force, requires that the Department of Revenue provide a report to the Taxation Committees in the Senate and the House of Representatives regarding the assessment of agricultural land, and modifies the process by which recommendations are made for changes to the agricultural productivity formula.

SB 12 provides that a board of county commissioners may reject or approve an application, submitted by a paraplegic veteran or the veteran's surviving spouse, for a refund of property taxes paid in any of the previous four years, if the veteran or the surviving spouse qualified for the tax exemption but failed to meet the application deadline.

SB 18 modifies the deductions and additions to the taxable income of a financial institution, for purposes of the bank franchise tax, by removing considerations regarding bad debt.

SB 19 updates, from 2025 to 2026, statutory references to the Internal Revenue Code, for purposes of taxation statutes.

SB 21 consolidates tax refund programs for low income seniors, and modifies the computation of a sales tax refund for low-income seniors by using a pro-rata basis designed to expend all moneys annually appropriated for the program.

SB 22 changes, from the second Monday of August to the fourth Monday of August, the date by which the Department of Revenue must transmit to the county auditor the certification of taxable values based on the median assessment-to-sales ratio analysis conducted by the department.

SB 96 authorizes a county to impose a gross receipts tax, not exceeding 0.5 percent, provided that the revenue generated from the tax is used to reduce the county property tax levy imposed on all property classified as owner-occupied. Any moneys remaining after 100 percent of the county property tax levy on owner-occupied property is supplanted must be used to provide a credit against the county property tax levy on all property classified as agricultural and nonagricultural in an equal percentage.

SB 154 clarifies that an owner-occupied single-family dwelling includes all garages and ancillary structures related to the residential use of the dwelling by the owner, and the parcels of land upon which such garages or structures are situated.

SB 165 updates provisions pertaining to vacancies in the offices of the mayor, the president of the city council, and other elective and appointive offices, and authorizes municipal governing bodies to make determinations pertaining to the duties, terms, and qualifications of elected and appointed officers, as well as procedures for the removal of appointed officers. The bill simplifies bonding requirements for appointed officers, clarifies ordinance and resolution procedures, removes certain records destruction provisions, and allows municipalities to adopt building and safety codes without publication of the entire code text. The bill increases, from \$5,000 to \$10,000, the annual compensation threshold for elected officers providing any other service for a municipality. The bill also consolidates sections pertaining to municipal finance officer duties and repeals the prohibition against guaranteed income programs.

SB 221 requires that a retailer secure a license to sell a nicotine product in this state and provides for a civil penalty in the case of a first or second violation, as well as license suspension or revocation for multiple violations. The bill also provides a criminal penalty for various activities involving the impermissible sale or distribution of nicotine products. A nicotine product includes a noncombustible product containing nicotine from any source, or a nicotine analog that is intended for human consumption, whether chewed, absorbed, dissolved, ingested, inhaled, or consumed by any other means. It also includes cigarettes, cigars, snuff, chewing tobacco, and vapor products.

SB 228 prohibits the application of the discretionary formula, which reduces the taxable value of new or expanded structures, to property located within a tax increment financing district.

SB 245 allocates a proportion of sales, use, and excise taxes, imposed by the state, to a new fund for purposes of reducing property taxes on owner-occupied single-family dwellings.

2026 Title Summaries

Title 11 – Planning, Zoning and Housing Programs



This memorandum summarizes 2026 legislation codified in SDCL Title 11 – **Planning, Zoning and Housing Programs**.

SB 3 provides that a county, municipality, or township may not require a building permit for the repair or substantially similar replacement of certain exterior parts of a detached single-family owner-occupied residential structure. The parts include a door, a downspout, fascia, fencing panels or posts, gutters, siding, soffits, and windows.

SB 76 authorizes the South Dakota Housing Authority to provide loans, from the South Dakota housing infrastructure fund, to the owner or operator of an airport in a metropolitan statistical area having an estimated annual resident population of at least 125,000. The loans must be for the purpose of improving or maintaining airport infrastructure and may not exceed \$15 million per recipient.

SB 91 requires that a petition to change a county's comprehensive plan or zoning ordinances be filed with the county auditor, who must forward the petition to the county planning and zoning commission and provide a copy of the petition to the board of county commissioners. The bill also requires that the planning and zoning commission hold a public hearing within forty-five days after the petition is presented and make a recommendation to the board of county commissioners. The bill further requires that the board of county commissioners hold a subsequent public hearing and take action upon the petition.

SB 129 updates, from the 2021 edition to the 2024 edition, statutory references to the International Building Code, the International Property Maintenance Code, and the International Residential Code.

SB 204 provides that public infrastructure, for purposes of making loans from the South Dakota housing infrastructure fund, includes necessary site work pertaining to the support of single family or multi-family housing projects. The bill also increases the maximum amount of a housing infrastructure project loan from one-third to one-half of the total cost of a housing infrastructure project.

SB 228 prohibits a tax increment financing district from including only a portion of a unit of property used for a single purpose, limits the sum of tax increment base values within a first class municipality to 7.5 percent of the total assessed value within the municipality, restricts a tax increment financing district from overlapping with another such district, modifies criteria for the creation and termination of a district, reduces the amount by which the project costs of a district may be changed, and requires an independent review of a district prior to its creation.

SB 237 requires a county to provide written notice, to each township supervisor, of any conditional use application or appeal concerning real property located in a township, at least ten days before the board of adjustment or other approving authority holds a public hearing on the application or appeal.

2026 Title Summaries

Title 12 – Elections



This memorandum summarizes 2026 legislation codified in SDCL Title 12 – **Elections**.

HB 1084 provides that personally identifiable information contained in the statewide or county master registration file, or in the historical archive of the statewide voter registration file, is not available to the public if the information pertains to a current or retired state or federal court judge or justice or a law enforcement officer.

HB 1095 changes the deadline for filing a nominating petition for any statewide office that is elected at the primary, for all legislative offices, and for certain party offices. The bill also changes the withdrawal deadline for certain candidates and eliminates a candidate's ability to submit a nominating petition by registered mail.

SB 5 requires that the attorney general include in the statement prepared to accompany an initiated measure, when printed on the official ballot, a disclosure indicating that the measure was proposed by a citizen-initiated petition. The bill also requires that the attorney general include in the statement prepared to accompany a proposed constitutional amendment, when printed on the official ballot, a disclosure indicating whether the amendment was proposed by the Legislature or by a citizen-initiated petition.

SB 17 prohibits a candidate or a political committee from accepting a contribution from certain foreign nationals, as defined by federal law.

SB 30 amends the grounds upon which an individual may challenge a registered voter's eligibility to vote to include whether the registered voter is a United States citizen.

SB 31 amends the process for conducting voter registration list maintenance by requiring that a county auditor mail a confirmation letter to registered voters, rather than a postcard.

SB 32 repeals the requirement that the elections for nonpolitical judicial office and party office be printed on separate ballots.

SB 101 requires that an individual elected to serve as a presidential elector vote for the candidates for president and vice president of the United States who received the highest number of votes within the state. The bill also establishes how the office of presidential elector may become vacant and the process by which replacement electors are selected.

SB 114 requires a county auditor to publish any cast vote record or ballot images produced by automatic tabulating equipment used to count ballots cast in an election.

SB 142 requires candidates for legislative office to file an annual year-end campaign finance statement. The bill also requires county political parties to file campaign finance statements before a primary election and to file an annual year-end statement.

SB 151 requires a county auditor to forward, to the secretary of state, the name of each candidate for precinct committeeman or committee woman, regardless of whether the candidate is participating in a contested race, and the results of each election for precinct committeeman and committee woman. The bill also requires the secretary of state to post the forwarded information to the secretary's website.

SB 171 clarifies provisions pertaining to the creation of an absentee ballot precinct in a county and the establishment of the absentee ballot counting board. The bill permits the county auditor to create the pollbook for the absentee ballot precinct using the data provided in the electronic voter registration system and to convene the absentee ballot counting board on the Monday before election day for the sole purpose of processing the absentee ballots that have been received.

SB 175 requires an individual to provide documentation demonstrating the individual's citizenship when registering to vote for the first time in this state. If an individual registers to vote using a federal voter registration form, the individual is not required to provide documentation demonstrating the individual's citizenship, but if the individual does not provide the documentation, the individual will be registered as a federal voter and will be eligible to vote only in federal elections.

SB 176 requires that the person in charge of an election retain ballots, poll books, and other election materials for at least twenty-two months following the election.

SB 177 requires that the person in charge of an election provide each in-person voter with a black ink pen to mark an optical scan ballot. The bill also requires that the person in charge of the election provide to each individual voting by absentee ballot instructions stating that the voter is to use a black ink pen to mark the ballot.

SB 214 clarifies that the secretary of state is to post the complete statewide voter registration file, including any updates made since the previous posting, to the secretary of state's website each week, and that the secretary is to maintain a rolling five-year historical archive of the complete voter registration file.

2026 Title Summaries

Title 13 – Education



This memorandum summarizes 2026 legislation codified in SDCL Title 13 – **Education**.

HB 1003 provides that each person hired by an accredited school must submit to a criminal background investigation, as a condition of employment at the school.

HB 1017 provides that the board of a school district may assign a student to receive instruction in an alternative setting for aggressive or violent behaviors that disrupt the school or that affect a health or safety factor of the school or its program. The bill also requires the board to annually report to the Department of Education information about the students who were assigned to receive instruction in an alternative setting.

HB 1033 updates, from 2025 to 2026, a statutory reference to the Internal Revenue Code, for the purpose of administering higher education savings plans.

HB 1051 reduces the maximum property tax levies that a school district may impose and amends certain amounts used in calculating state aid for general and special education, including the target teacher salary, overhead rate, and allocations for students with a disability.

HB 1082 prohibits school districts from charging a student for a meal provided through the National School Lunch Program or the School Breakfast Program if the student is eligible for a reduced-price meal under the programs. The bill also requires the Department of Education to reimburse a school district for the cost of each meal provided to a student eligible to receive a reduced-price meal under the programs.

HB 1095 changes the deadline for filing the nominating petition for a school district election from from seventy days before the school district election to the third Tuesday of March, for an election held in June, or the third Tuesday of August, for an election held in November. The bill also changes the withdrawal deadline and eliminates a candidate's ability to submit a nominating petition by registered mail.

HB 1106 changes county extension board member terms from one year to staggered terms of one to three years, and clarifies that a county extension board must consist of five or seven members.

HB 1130 permits the board of a school district to expend moneys from the capital outlay fund for the payment of any premium for a property insurance policy held by the district.

HB 1143 provides that a student may possess and self-administer prescribed diabetes medications, while on school property and at school-related events and activities, if the student's parent has authorized the possession and use.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

HB 1244 repeals the special donations fund, which was established to accept gifts, grants, and donations for the benefit of the Jobs for South Dakota's Graduates program.

HB 1249 clarifies the authority of the School Finance Accountability Board, including its ability to waive any reduction to a school district's state aid for general education or certain penalties, and removes the requirement that the Joint or Interim Committee on Appropriations approve any waivers recommended by the board.

HB 1311 requires that the South Dakota Board of Technical Education and the Board of Regents disclose, in an annual report, any funding given to the respective board, or an institution under the board's control, by a foreign entity, foreign government, or foreign person from China, Cuba, Iran, North Korea, Russian, or Venezuela.

HB 1313 requires that a school district include, in its health or science curriculum, instruction in prenatal human growth and development. The instruction must include a video or computer-generated rendering or animation showing the progress of prenatal human development from fertilization through birth. The bill also provides that resources for such instruction, recommended by the South Dakota Board of Education Standards, may not include material produced or provided by an entity that performs or promotes abortions, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be affiliated with an entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions.

SB 8 authorizes a school nurse or other trained school personnel to administer an epinephrine nasal spray to a student.

SB 84 increases the household eligibility income for students receiving a scholarship through the partners in education program from 150 percent to 200 percent and increases the average value of all scholarships from 82.5 percent of the per student equivalent, to the full per student equivalent.

SB 106 increases from \$4 million to \$5 million the amount that the Department of Education is to set aside each year for extraordinary expenses incurred by school districts in the provision of special education programs.

SB 138 requires that a school district complete any recount of a school district election before the annual July meeting of the board of the district. The bill addresses the appointment of recount board members and directs the secretary of state to appoint a member if the business manager of the district is unable to appoint an individual who is agreeable to all candidates participating in the recount.

SB 176 requires that the business manager of a school district retain ballots, poll books, and other election materials for at least twenty-two months following the school district election.

2026 Title Summaries

Title 14 – Libraries



No 2026 legislation was codified in SDCL Title 14 – **Libraries**.

2026 Title Summaries

Title 15 – Civil Procedure



This memorandum summarizes 2026 legislation codified in SDCL Title 15 – **Civil Procedure**.

SB 137 establishes procedures applicable to a cause of action against a person based on the person's protected public expression. Such a cause of action is commonly referred to as a SLAPP action -- a strategic lawsuit against public participation.

2026 Title Summaries

Title 16 – Courts and Judiciary



This memorandum summarizes 2026 legislation codified in SDCL Title 16 – **Courts and Judiciary**.

HB 1011 increases from \$2 to \$15 the fee charged by a clerk of court for reproducing an authenticated, exemplified, or double certificate of record on file in the clerk's office.

HB 1014 provides that the \$25 "equal access to our courts" surcharge may not be collected in any civil action or proceeding for forcible entry and detainer.

2026 Title Summaries

Title 17 – Notice and Publication



No 2026 legislation was codified in SDCL Title 17 – **Notice and Publication**.

2026 Title Summaries

Title 18 – Oaths and Acknowledgments



No 2026 legislation was codified in SDCL Title 18 – **Oaths and Acknowledgments**.

2026 Title Summaries

Title 19 – Evidence



No 2026 legislation was codified in SDCL Title 19 – **Evidence**.

2026 Title Summaries

Title 20 – Personal Rights and Obligations



This memorandum summarizes 2026 legislation codified in SDCL Title 20 – **Personal Rights and Obligations**.

HB 1161 clarifies that restrictions on the exclusive use, by females or males, of multi-occupancy changing rooms, restrooms, and sleeping quarters, which are leased, occupied, or owned by the state or a political subdivision of the state, do not apply to any room used exclusively by firefighters or law enforcement personnel acting in an official capacity.

2026 Title Summaries

Title 21 – Judicial Remedies



This memorandum summarizes 2026 legislation codified in SDCL Title 21 – **Judicial Remedies**.

SB 88 prohibits a person authorized to condemn private property for public use from conducting a survey of the property without the property owner's permission. The bill also clarifies the process by which a potential condemnor may conduct an examination of the property without the owner's permission, and establishes the owner's rights to challenge and obtain copies of any survey or examination of the property.

2026 Title Summaries

Title 22 – Crimes



This memorandum summarizes 2026 legislation codified in SDCL Title 22 – **Crimes**.

HB 1007 amends the definition of a law enforcement officer to include an officer, prosecutor, or employee of an Indian tribe who is assisting or aiding in the enforcement of the criminal or highway traffic laws of the state or the prevention, detection, or prosecution of a crime committed in this state.

HB 1062 revises the definition of aggravated assault to include an attempt by physical menace with a physical object realistically simulating a deadly weapon to put another in fear of imminent serious bodily harm.

HB 1076 clarifies that a person who is required to register as a sex offender may not establish a residence or reside within a community safety zone unless the person established and inhabited the residence as of July 1, 2006, if the community safety zone includes a school, public park, public playground, or public pool, or as of July 1, 2024, if the community safety zone includes a domestic abuse shelter or sexual assault shelter.

HB 1108 provides that a court must, upon the dismissal of a petition for a protection order, immediately seal the petition and any other supporting documents in the case. The bill also provides that the court must seal the case if the petition is denied and there is a finding that the petition was filed with no basis in fact or law and was harassing, frivolous, or abusive in nature.

HB 1164 prohibits a licensed health care provider from knowingly causing the use of reproductive material from a donor if the patient did not consent to receive the material from the donor, or from intentionally causing the use of the licensed health care provider's own reproductive material without the patient's consent. The bill also permits certain victims of the fraudulent reproduction procedure to bring a civil action against the offending licensed health care provider.

HB 1201 authorizes a booster club to operate a bingo game or lottery and provides that a coin or bill operated mechanical pull-tab dispensing device may be used at establishments holding certain alcohol licenses.

HB 1257 clarifies that the definition of an abortion is the intentional termination of the life of a human being in the uterus, but does not include medical treatment that results in the accidental or unintentional death of the unborn child, treatment to resolve a miscarriage, the treatment or removal of an ectopic pregnancy, the removal from the uterus of a deceased unborn child, or any medical procedure performed for the purpose of saving the life or preserving the health of the unborn child.

HB 1274 provides that a person may not knowingly dispense, distribute, sell, or advertise, for purposes of an unlawful abortion, an article or thing designed, adapted, or intended for producing an abortion, or an article, instrument, substance, drug, medicine, or thing that is advertised or described in a manner calculated to lead another to use or apply it for producing an abortion. A violation is a Class 6 felony. The bill also permits the attorney general to impose a civil penalty not exceeding \$10,000 for each violation and seek a temporary or permanent injunction.

HB 1298 provides that no person may publish, by electronic means, the home address, date of birth, or social security number of a judicial officer or law enforcement officer, without the officer's consent and with the intent to place the officer or the officer's immediate family in reasonable fear of death or great bodily injury. A violation is a Class 6 felony.

SB 2 removes a firearm silencer from the definition of a controlled weapon.

SB 41 prohibits a person from intentionally disclosing, disseminating, distributing, selling, or using any recording or photograph of an individual without clothing or depicted in a sexual act with another person, and prohibits a person from knowingly and intentionally creating, disclosing, disseminating, distributing, or selling digitally fabricated material that depicts an identifiable individual in a state of nudity or engaging in sexually explicit conduct.

SB 42 makes unauthorized ingestion of a controlled drug or substance a Class 5 felony if the offense is committed by an inmate under confinement in a state correctional facility or by a person under parole supervision.

SB 82 imposes a Class 2 misdemeanor upon any individual who misrepresents an animal as a service animal in any place of public accommodation. The bill defines a service animal as a dog, trained to work or perform tasks for an individual with a disability, and further provides that the definition does not include emotional support or companion animals.

SB 87 provides that a forensic medical examination may be administered only by a physician, physician assistant, nurse practitioner, or sexual assault nurse examiner. The bill requires appropriate training or observation by one who has completed such training. The observation may occur by means of telehealth. The bill also requires certain hospitals and clinics to establish policies and procedures regarding the provision of examinations at their facilities, including for evidence preservation, coordination with law enforcement and sexual assault response teams, and the provision of resources to victims.

SB 107 adds licensed day care centers, licensed group family day care homes, and registered family day cares to the definition of community safety zone for purposes of restricting the residency of a registered sex offender.

SB 113 increases the penalty for the crime of preventing the practice of religion from a Class 1 misdemeanor to a Class 6 felony.

2026 Title Summaries

Title 23 – Law Enforcement



This memorandum summarizes 2026 legislation codified in SDCL Title 23 – **Law Enforcement**.

HB 1175 permits the Division of Criminal Investigation to obtain national criminal history record information on certain individuals upon the request of an Indian tribe.

2026 Title Summaries

Title 23A – Criminal Procedure



This memorandum summarizes 2026 legislation codified in SDCL Title 23A – **Criminal Procedure**.

HB 1022 permits the Department of Public Safety to serve notice of an order related to a claim for victims' compensation by emailing or hand-delivering a copy of the order to the claimant.

HB 1140 permits a court to impose, as a condition of probation, participation in and completion of a program at a nonprofit entity awarded an alternative care program grant, if the program has availability and the defendant consents to the participation.

SB 43 defines digital currency and includes digital currency in the definition of property for purposes of search and seizure.

SB 165 updates provisions pertaining to vacancies in the offices of the mayor, the president of the city council, and other elective and appointive offices, and authorizes municipal governing bodies to make determinations pertaining to the duties, terms, and qualifications of elected and appointed officers, as well as procedures for the removal of appointed officers. The bill simplifies bonding requirements for appointed officers, clarifies ordinance and resolution procedures, removes certain records destruction provisions, and allows municipalities to adopt building and safety codes without publication of the entire code text. The bill increases, from \$5,000 to \$10,000, the annual compensation threshold for elected officers providing any other service for a municipality. The bill consolidates sections pertaining to municipal finance officer duties and repeals the prohibition against guaranteed income programs. The bill also clarifies that SDCL title 23A governs the procedure used in prosecutions pertaining to the violation of any local government ordinance, resolution, or bylaw provision authorizing a criminal penalty.

2026 Title Summaries

Title 24 – Correctional Facilities and Parole



This memorandum summarizes 2026 legislation codified in SDCL Title 24 – **Correctional Facilities and Parole**.

HB 1300 excepts an inmate who was a victim of human trafficking or domestic abuse from the publication of notice requirements related to the inmate's application for clemency.

SB 42 enhances the penalty for delivering or procuring to be delivered, or possessing with the intent to deliver to any inmate in a state correctional facility, any drug or controlled substance, from a Class 4 felony to a Class 3 felony.

SB 139 requires the transportation of an inmate, upon discharge from a correctional facility, to the county where the inmate resided at the time of the offense, the county where the inmate received sentence, or a location equivalent to the lesser mileage of either county.

2026 Title Summaries

Title 25 – Domestic Relations



This memorandum summarizes 2026 legislation codified in SDCL Title 25 – **Domestic Relations**.

HB 1012 repeals obsolete provisions allowing probation for contempt of a custody or visitation decree.

HB 1045 revises the rebuttable presumption of employment at minimum wage for purposes of determining child support, allows for deviation from the child support obligation schedule for federal income tax consequences arising from a parent claiming a child as a dependent, and revises provisions related to the modification of prior orders of support and imputation of a parent's income for purposes of child support.

HB 1108 provides that a court must, upon the dismissal of a petition for a protection order, immediately seal the petition and any other supporting documents in the case. The bill also provides that the court must seal the case if the petition is denied and there is a finding that the petition was filed with no basis in fact or law and was harassing, frivolous, or abusive in nature.

HB 1197 permits a petition for adoption to be filed in the circuit court for the county in which the child was born, or the county in which the authorized agency having care, custody, or control of the child is located.

SB 159 revises the requirements for the issuance of a marriage license when either individual is, or when both individuals are, at least sixteen but not yet eighteen years of age. The bill provides for consent by means of a court order or consent from both parents or the legal guardian of each minor. The bill also provides that a marriage license may not be issued under the exception for a minor, if the age difference between the individuals is greater than four years.

2026 Title Summaries

Title 26 – Minors



This memorandum summarizes 2026 legislation codified in SDCL Title 26 – **Minors**.

HB 1187 adds a coach of a school activity to the list of mandatory reporters of child abuse or neglect.

SB 179 permits a court to commit, to the Department of Corrections, a juvenile adjudicated delinquent for certain weapons offenses, if no viable alternative exists and the department is the least restrictive alternative.

2026 Title Summaries

Title 27A – Mentally Ill Persons



No 2026 legislation was codified in SDCL Title 27A – **Mentally Ill Persons**.

2026 Title Summaries

Title 27B – Developmentally Disabled Persons



No 2026 legislation was codified in SDCL Title 27B – **Developmentally Disabled Persons**.

2026 Title Summaries

Title 28 – Public Welfare and Assistance



This memorandum summarizes 2026 legislation codified in SDCL Title 28 – **Public Welfare and Assistance**.

HB 1250 adds critical access hospitals and federally qualified health centers to the list of community-based service providers subject to a comprehensive rate modeling analysis, at least every five years, by the Department of Social Services and the Department of Human Services.

2026 Title Summaries

Title 29A – Uniform Probate Code



This memorandum summarizes 2026 legislation codified in SDCL Title 29A – **Uniform Probate Code**.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

2026 Title Summaries

Title 30 – Probate and Guardianship Procedure



No 2026 legislation was codified in SDCL Title 30 – **Probate and Guardianship Procedure**.

2026 Title Summaries

Title 31 – Highways and Bridges



This memorandum summarizes 2026 legislation codified in SDCL Title 31 – **Highways and Bridges**.

SB 27 revises the statutory description of the state trunk highway system in Butte, Lawrence, Meade, Ziebach, Haakon, Stanley, Hughes, Hyde, Buffalo, Jerauld, Sanborn, Miner, Lake, and Moody counties, and in Fall River, Custer, Pennington, and Lawrence counties.

SB 71 authorizes the Department of Transportation to assume all or part of the responsibilities of the federal government under the National Environmental Policy Act, as it relates to highway projects, and waives sovereign immunity from suit in federal court in cases that involve compliance, discharge, or enforcement of responsibilities assumed by the department. The bill also clarifies the state's responsibility toward successful litigants in actions related to the assumption of responsibilities.

SB 236 establishes the county and township infrastructure fund for the accounting, redistribution, and safekeeping of moneys distributed to rural access distribution funds. The bill requires that unexpended moneys from rural access distribution funds be transferred every third year, beginning in 2029, to the county and township infrastructure fund and that expenditures from the county and township infrastructure fund be budgeted through the general appropriation bill.

SB 240 provides for the deposit of \$5,000,000 from the general fund into rural access infrastructure funds to be distributed to each county, on a pro rata basis, for the purpose of inventorying small structures.

2026 Title Summaries

Title 32 – Motor Vehicles



This memorandum summarizes 2026 legislation codified in SDCL Title 32 – **Motor Vehicles**.

HB 1013 permits certain offenders with revoked or suspended driving privileges to operate a vehicle for purposes of the offender's employment, child care delivery or pickup, health appointments, or attendance at school, court, probation appointments, 24/7 sobriety testing, counseling programs, treatment, or aftercare.

HB 1024 removes the requirement that an ambulance operator be certified by the South Dakota Board of Medical and Osteopathic Examiners, but provides that an ambulance operator be licensed as emergency medical services personnel, be a firefighter or law enforcement officer, or have completed training in cardiopulmonary resuscitation and completed an emergency vehicle operator course.

HB 1034 increases, from \$1.50 to \$2.50, the fee for motor vehicle decals sent through the mail. The bill also increases, from \$7.50 to \$12.00, the fee for license plates sent through the mail.

HB 1080 authorizes a business owner who is a veteran to display military specialty plates on a noncommercial vehicle registered to the veteran's business, provided the veteran is listed as an additional owner on the vehicle's certificate of title.

HB 1104 provides that the medical certification accompanying an application to obtain a special license plate and parking permit for an individual with disabilities may be signed by a physician, a physician assistant, a chiropractor, a physical therapist, or a certified nurse practitioner.

HB 1126 provides that if a person is convicted of an aggravated driving under the influence offense and that person has at least five prior driving under the influence convictions in the past fifteen years, the court must sentence the person to at least six years in a state correctional facility, one year of which must be served on parole.

HB 1140 permits a person with a revoked driver license due to a third driving under the influence offense to operate a motor vehicle for purposes of attending an alternative care program, upon approval by the court.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

HB 1188 authorizes law enforcement officers and certain agents to arrange for the removal of a disabled vehicle from a highway or right of way, and for the removal of a disabled boat, snowmobile, or other vehicle from public waters. The bill also limits the liability of the law enforcement officers, certain agents, and removal agencies, except in cases of gross negligence or willful and wanton misconduct.

HB 1189 defines a mobile crane as a lifting machine that is mounted on a self-propelled carrier and contains a telescoping or lattice boom for lifting and moving heavy materials and increases, to 650 pounds, the allowable tire weight limit for such a crane moving on a highway.

HB 1227 increases from \$50 to \$100 the annual fee payable by the owner of an all-electric, noncommercial motor vehicle.

HB 1263 removes the exclusion of dealers whose principal business is the sale of off-road construction equipment from the definition of dealer for purposes of warranty agreements between manufacturers and dealers of agricultural equipment.

SB 11 increases, from \$50 to \$75, the fee for the reinstatement of a driver license suspended pursuant to chapter 32-25 and increases, from \$5 to \$7, the fee for the furnishment of a certified abstract of a person's operating record.

SB 23 provides that a person in possession of a boat, moped, motorcycle, off-road vehicle, snowmobile, or trailer, which is left unclaimed as a result of an unpaid repair bill, may apply for a title.

SB 164 modifies requirements for obtaining a commercial driver license and requires a holder of a commercial driver license to be proficient in the English language. The bill also adds a demonstration of English language proficiency to the requirements for obtaining a commercial driver license and authorizes the waiving of certain knowledge and driving skills tests for an applicant who has experience operating a military commercial motor vehicle.

SB 180 permits the issuance of a nondomiciled commercial learner's permit and commercial driver license to an individual who has lawful, employment-based nonimmigrant status, and requires that the expiration date of the permit or license match the expiration date on the immigrant forms, or that the license or permit expire within one year of the issuance.

SB 236 establishes the county and township infrastructure fund for the accounting, redistribution, and safekeeping of moneys distributed to rural access distribution funds. The bill requires that unexpended moneys from rural access distribution funds be transferred every third year, beginning in 2029, to the county and township infrastructure fund and that expenditures from the county and township infrastructure fund be budgeted through the general appropriation bill.

2026 Title Summaries

Title 33 – Military Affairs



No 2026 legislation was codified in SDCL Title 33 – **Military Affairs**.

2026 Title Summaries

Title 33A – Veterans Affairs



This memorandum summarizes 2026 legislation codified in SDCL Title 33A – **Veterans Affairs**.

HB 1184 defines a female as an individual who naturally has the reproductive system that produces, transports, and utilizes eggs for fertilization, and defines a male as an individual who naturally has the reproductive system that produces, transports, and utilizes sperm for fertilization. The bill extends the definition to derivatives such as boy, father, girl, man, mother, sex, and woman and directs that each state agency, department, board, commission, institution, political subdivision, and any other entity exercising state authority strictly adhere to the statutory definitions.

SB 35 removes the authorization for a veteran's parent to request a copy of the veteran's certificate of discharge from a county register of deeds without prior authorization by the veteran. The bill also clarifies the process for requesting the certificate of discharge, or a certified copy thereof, from the county register of deeds.

2026 Title Summaries

Title 34 – Public Health and Safety



This memorandum summarizes 2026 legislation codified in SDCL Title 34 – **Public Health and Safety**.

HB 1001 permits the prescribed burning of state-owned land bordering the Missouri River by an adjoining landowner, provided that the landowner receives the consent of the department secretary or commissioner in control of the state-owned land. The bill also provides that the state is immune from any liability resulting from the prescribed burn.

HB 1016 modifies definitions applicable to the schedules of drugs, substances, or chemicals and provides additions to items listed in Schedule I.

HB 1023 provides that a registered nurse or licensed practical nurse may be employed by or serve as a volunteer for an ambulance service. Care rendered by the nurse must be within the scope of the nurse's license and under the direction and supervision of the medical or program director. The nurse may not be held liable for civil damages for any act or omission in connection with the care provided on an ambulance run, unless the act or omission is inconsistent with the nurse's training or the result of gross negligence or willful misconduct.

HB 1024 removes the requirement that an ambulance operator be certified by the South Dakota Board of Medical and Osteopathic Examiners, but provides that an ambulance operator be licensed as emergency medical services personnel, be a firefighter or law enforcement officer, or have completed training in cardiopulmonary resuscitation and completed an emergency vehicle operator course.

HB 1099 provides that the pharmaceutical composition of crystalline polymorph psilocybin is added to the list of Schedule IV drugs, substances, or chemicals, upon approval by the United States Food and Drug Administration.

HB 1162 adds phenibut and tianeptine to the list of Schedule I drugs, substances, or chemicals.

HB 1169 provides that any material, compound, mixture, or preparation containing medetomidine is a Schedule III controlled drug or substance, except when dispensed, prescribed, or administered to an animal, or manufactured, distributed, or used as an active pharmaceutical ingredient in an animal drug.

HB 1183 provides that a person who experiences a drug-related overdose and is in need of medical assistance may not be arrested, charged, or prosecuted, if that person or another person contacts law enforcement or emergency medical services for medical assistance due to the overdose.

HB 1215 authorizes counties and municipalities to issue licenses for the operation of a cigar bar, provided the establishment has a humidor, is enclosed, is equipped with a ventilation system, and meets certain alcohol licensure requirements.

HB 1257 clarifies that while an abortion is the intentional termination of the life of a human being in the uterus, it does not include medical treatment that results in the accidental or unintentional death of the unborn child, treatment to resolve a miscarriage, the treatment or removal of an ectopic pregnancy, the removal from the uterus of a deceased unborn child, or any medical procedure performed for the purpose of saving the life or preserving the health of the unborn child.

HB 1299 permits a lodging establishment that has fifteen or fewer rooms to apply to the Department of Health for a permit to use a biological filtration system in the establishment's water recreation facility. A facility that uses a biological filtration system must be inspected every year and meet public health and safety and water quality outcomes. The bill also provides that the department must revoke an establishment's permit to use such a system if the establishment fails the inspection.

SB 45 prohibits the sale or distribution of delta-9 tetrahydrocannabinolic acid to, or the purchase, receipt, possession, or consumption of delta-9 tetrahydrocannabinolic acid by, a person under the age of twenty-one, unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner.

SB 90 requires the Department of Health to submit, to the prescription drug monitoring program, the physical address and registry identification card number of each medical marijuana cardholder and nonresident cardholder.

SB 124 prohibits the selling, manufacturing, offering for sale, holding for sale, or distribution of any product containing cell-cultured protein during the period beginning July 1, 2026, and ending June 30, 2031. The bill defines cell-cultured protein as a human food product that is made wholly or in part from any cell culture or DNA of a host animal, and grown or cultivated outside of a live animal, but exempts certain proteins produced through microbial fermentation, enzymatic processing, traditional food cultures, or biotechnology processes used in the manufacturing of pharmaceuticals, biologics, vaccines, dietary supplements, enzymes, or medical products. The bill also provides for enforcement by the Department of Health, and includes the authority to suspend, revoke, or deny renewal of an establishment's license.

SB 175 requires an individual to provide documentation demonstrating the individual's citizenship when registering to vote for the first time in this state. If an individual registers to vote using a federal voter registration form, the individual is not required to provide documentation demonstrating the individual's citizenship, but if the individual does not provide the documentation, the individual will be registered as a federal voter and will be eligible to vote only in federal elections.

SB 221 requires that a retailer secure a license to sell a nicotine product in this state and provides for a civil penalty in the case of a first or second violation, as well as license suspension or revocation for multiple violations. The bill also provides a criminal penalty for various activities involving the impermissible sale or distribution of nicotine products. A nicotine product includes a noncombustible product containing nicotine from any source, or a nicotine analog that is intended for human consumption, whether chewed, absorbed, dissolved, ingested, inhaled, or consumed by any other means. It also includes cigarettes, cigars, snuff, chewing tobacco, and vapor products.

2026 Title Summaries

Title 34A – Environmental Protection



This memorandum summarizes 2026 legislation codified in SDCL Title 34A – **Environmental Protection**.

SB 38 increases the annual fee imposed on concentrated animal feeding operations to \$0.43 per mature cow and \$0.30 per other cattle or bison, \$0.60 per horse, \$0.03 per weaned swine less than 55 pounds and \$0.12 for other swine, \$0.03 per sheep, \$0.0055 per turkey, \$0.0027 per chicken, and \$0.01 per duck or goose.

2026 Title Summaries

Title 35 – Alcoholic Beverages



No 2026 legislation was codified in SDCL Title 35 – **Alcoholic Beverages**.

2026 Title Summaries

Title 36 – Professions and Occupations



This memorandum summarizes 2026 legislation codified in SDCL Title 36 – **Professions and Occupations**.

HB 1024 removes the requirement that an ambulance operator be certified by the South Dakota Board of Medical and Osteopathic Examiners, but provides that an ambulance operator be licensed as emergency medical services personnel, be a firefighter or law enforcement officer, or have completed training in cardiopulmonary resuscitation and completed an emergency vehicle operator course.

HB 1028 establishes a criminal background check requirement for any applicant seeking a multi-state license under the social work licensure compact.

HB 1029 establishes addiction counselor supervisee, prevention specialist supervisee, peer support specialist, peer support specialist trainee, and peer support specialist supervisee, as protected titles under the regulatory authority of the South Dakota Board of Addiction and Prevention Professionals, and makes corresponding changes throughout the licensure chapter for addiction counseling and prevention services.

HB 1035 revises the requirements for an individual to become a certified public accountant. If an applicant has a graduate degree, the applicant must have completed one year of experience in accounting. If the applicant has a bachelor's degree, the applicant must have completed either two years of experience in accounting or one year of experience in accounting and thirty additional semester credit hours of higher education. These requirements also apply to certain individuals whose principal place of business is not in this state but who are qualified as certified public accountants in another state.

HB 1146 authorizes the state's participation in the physician assistant licensure compact, which allows medical services to be provided by physician assistants under the licensing authority of other states participating in the compact.

HB 1148 authorizes the state's participation in the respiratory care licensure compact, which allows respiratory care services to be provided by respiratory care practitioners under the licensing authority of other states participating in the compact.

HB 1149 authorizes the state's participation in the athletic trainer licensure compact, which allows athletic training services to be provided by athletic trainers under the licensing authority of other states participating in the compact.

HB 1194 clarifies the Cosmetology Commission's authority to credit relevant work experience in place of educational hours for applicants who seek licensure by reciprocity, but do not hold the equivalent of a cosmetology, nail technology, or esthetics license in this state. The bill also directs the commission to promulgate rules implementing the change.

SB 14 defines a pharmacist-in-charge as a pharmacist designated by a pharmacy owner to assume full legal responsibility for all professional and facility operations and provides that a pharmacy license may be issued only to a pharmacist who will serve as the pharmacist-in-charge or designate a pharmacist-in charge, or to a non-pharmacist who delegates complete responsibility for the pharmaceutical services to a pharmacist-in-charge. The bill also authorizes the use of remote drop sites for the delivery of prescription drugs.

2026 Title Summaries

Title 37 – Trade Regulation



This memorandum summarizes 2026 legislation codified in SDCL Title 37 – **Trade Regulation**.

SB 49 establishes notice, consent, and confidentiality requirements for direct-to-consumer genetic testing companies and authorizes the attorney general to impose a civil penalty, not to exceed \$5,000, for any violation of the requirements.

2026 Title Summaries

Title 38 – Agriculture and Horticulture



This memorandum summarizes 2026 legislation codified in SDCL Title 38 – **Agriculture and Horticulture**.

HB 1019 provides that the secretary of the Department of Agriculture and Natural Resources may cancel the registration of a pesticide, subject to a hearing in accordance with chapter 1-26, if the secretary determines that the pesticide is adulterated or misbranded.

HB 1111 establishes the information that must accompany a financing statement for the purpose of perfecting an agricultural processor's lien, and requires that the financing statement be filed within sixty days of the date on which the processing of the crop was completed. The bill goes into effect on July 1, 2027.

SB 39 provides that, beginning on January 1, 2027, in order to cultivate hemp in this state, a producer must be licensed by the United States Department of Agriculture or a tribal program. The bill also repeals existing state requirements governing the production of hemp.

2026 Title Summaries

Title 39 – Food and Drugs



This memorandum summarizes 2026 legislation codified in SDCL Title 39 – **Food and Drugs**.

HB 1064 establishes the criteria under which a producer is able to sell meat or meat food products from cattle, sheep, or goats raised by the producer and slaughtered at a custom exempt plant, beginning on the date that the sale becomes legalized under federal law.

SB 124 prohibits the selling, manufacturing, offering for sale, holding for sale, or distribution of any product containing cell-cultured protein during the period beginning July 1, 2026, and ending June 30, 2031. The bill defines cell-cultured protein as a human food product that is made wholly or in part from any cell culture or DNA of a host animal, and grown or cultivated outside of a live animal, but exempts certain proteins produced through microbial fermentation, enzymatic processing, traditional food cultures, or biotechnology processes used in the manufacturing of pharmaceuticals, biologics, vaccines, dietary supplements, enzymes, or medical products. The bill also provides for enforcement by the Animal Industry Board and includes the authority to seize and condemn products.

2026 Title Summaries

Title 40 – Animals and Livestock



This memorandum summarizes 2026 legislation codified in SDCL Title 40 – **Animals and Livestock**.

HB 1020 increases, from \$1.00 to \$1.65, the amount that may be charged as a livestock ownership inspection fee for each head of livestock.

SB 81 increases the penalty for maliciously beating, injuring, harassing, or interfering with a service animal. The bill defines a service animal as a dog, specially trained to work or perform tasks for an individual with a disability and further provides that the definition does not include emotional support or companion animals.

2026 Title Summaries

Title 41 – Game, Fish, Parks and Forestry



This memorandum summarizes 2026 legislation codified in SDCL Title 41 – **Game, Fish, Parks and Forestry**.

HB 1265 authorizes the salvage of certain bird eggs by an individual who holds a federal migratory bird special purpose salvage permit.

SB 131 provides that the period during which a nonprofit organization may host a special pheasant hunt for disabled veterans and Purple Heart recipients runs from September first to March thirty-first.

2026 Title Summaries

Title 42 – Recreation and Sports



This memorandum summarizes 2026 legislation codified in SDCL Title 42 – **Recreation and Sports**.

HB 1058 provides that a person outside of the state who offers online pari-mutuel horse race wagering to individuals in the state must be licensed as a multi-jurisdictional totalizator hub. The bill also clarifies the taxes that are applicable to the person, depending on whether or not the person has a physical presence in the state.

SB 64 modernizes provisions related to the South Dakota Athletic Commission, updates the duties of the commission, and expands the commission's rule promulgation authority to include the suspension of individuals following participation in a competition or exhibition, procedures for reviewing and verifying a bout, the establishment of qualification, conduct, and disciplinary requirements, and the establishment of various registration and licensure fees.

SB 102 modifies the distribution of revenues generated from gaming activity in the City of Deadwood, by reducing the percentage payable to the state general fund and to certain municipalities in Lawrence County, and increasing, from 10 percent to 71 percent, the amount payable to Deadwood. The bill also provides that only school districts, which are located in Lawrence County, in whole or in part, and which do not receive state aid for general education, are entitled to a proportion of the revenues.

2026 Title Summaries

Title 43 – Property



This memorandum summarizes 2026 legislation codified in SDCL Title 43 – **Property**.

HB 1107 updates provisions pertaining to a court's authority to modify restrictions in an instrument of conveyance concerning real property, or to direct the investment of proceeds from the sale of the property, if the public purpose for which the property is intended becomes impossible or impractical.

SB 4 increases, from fourteen days to twenty-one days, the time within which a landlord must return a tenant's security deposit after termination of a tenancy.

SB 40 removes the exemption for agricultural land acquired by devise or inheritance from the 160-acre limitation statutorily imposed upon certain foreign entities, governments, or persons, and provides that any agriculture land acquired by devise or descent, wherein a minority owner is in violation of the chapter, is subject to forfeiture of the minority owner's share, plus imposition of a civil penalty.

SB 60 provides that a foreign entity, foreign government, or foreign person from China, Cuba, Iran, North Korea, Russia, or Venezuela may not have an interest in real property in this state during any time a military installation exists in this state, except under certain enumerated circumstances. The bill also grants the attorney general authority to investigate violations, enforce compliance, and effectuate the forfeiture or termination of prohibited interests.

2026 Title Summaries

Title 44 – Liens



This memorandum summarizes 2026 legislation codified in SDCL Title 44 – **Liens**.

HB 1066 prohibits a contractor, subcontractor, or supplier from intentionally appropriating another person's property for any purpose other than for the payment of labor, skill, or materials for the improvement of the real estate for which the contractor, subcontractor, or supplier received or was entrusted with the other person's property.

2026 Title Summaries

Title 45 – Mining, Oil and Gas



No 2026 legislation was codified in SDCL Title 45 – **Mining, Oil and Gas**.

2026 Title Summaries

Title 46 – Water Rights



No 2026 legislation was codified in SDCL Title 46 – **Water Rights**.

2026 Title Summaries

Title 46A – Water Management



This memorandum summarizes 2026 legislation codified in SDCL Title 46A – **Water Management**.

SB 231 creates the water infrastructure development fund, to be used for the construction, planning, and development of rural water projects in the state. The Board of Water and Natural Resources may award grants from the fund, which may not exceed 10 percent of the project's construction cost, and may award loans from the fund, which may not exceed 50 percent of the construction cost. The fund is continuously appropriated to the board. The bill also provides rulemaking authority to the board to establish criteria for the selection of projects and for the terms, conditions, and administration of loans and grants, and transfers \$3 million from the general fund into the water infrastructure development fund.

2026 Title Summaries

Title 47 – Corporations



No 2026 legislation was codified in SDCL Title 47 – **Corporations**.

2026 Title Summaries

Title 48 – Partnerships



This memorandum summarizes 2026 legislation codified in SDCL Title 48 – **Partnerships**.

HB 1096 allows for the direct formation of a limited liability limited partnership by the delivery, to the secretary of state, of a certificate that contains the name of the limited liability limited partnership, the address of the chief executive's office, and a statement of intent to form such a partnership.

2026 Title Summaries

Title 49 – Public Utilities and Carriers



This memorandum summarizes 2026 legislation codified in SDCL Title 49 – **Public Utilities and Carriers**.

HB 1027 updates, from 2023 to 2026, statutory references to Titles 15 and 49 of the United States Code and Title 49 of the Code of Federal Regulations.

HB 1038 authorizes the Public Utilities Commission of the State of South Dakota to assess data centers the actual costs associated with processing contracts with deviations or other agreements for electric service. Any moneys collected must be deposited into the South Dakota Public Utilities Commission gross receipts tax fund.

HB 1049 prohibits certain entities and noncitizens from controlling, operating, or owning an electric facility in the state. The bill also authorizes the Public Utilities Commission of the State of South Dakota to investigate any allegation of a prohibited interest in an electric facility, and to maintain an action in circuit court to enforce the forfeiture or divestiture of the prohibited interest.

SB 9 clarifies that the forty-eight-hour window for notification to the one-call notification center of a proposed excavation begins at 12:01 a.m. the day after notice is submitted to the notification center and excludes any Saturday, Sunday, or legal holiday. The bill also clarifies that a one-call notification center operator's response time must be within the forty-eight-hour period beginning at 12:01 a.m. the day after notice is received, or the period between notice being given and the excavation start time, whichever is later. This time period does not include Saturdays, Sundays, or legal holidays.

SB 10 updates, from 2025 to 2026, statutory references to Title 49 of the Code of Federal Regulations, and provides that references to interstate operations must include intrastate operations, with an exception for drivers and motor carriers operating certain vehicles and combinations of vehicles having a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight that does not equal or exceed 26,001 pounds.

SB 25 removes the requirement that an applicant intending to seek a permit for construction of an energy conversion facility or AC/DC facility provide six months' notice of intent to the Public Utilities Commission of the State of South Dakota. The bill requires the applicant to provide three months' notice of intent, by certified mail, to each adjacent property owner, if the proposed facility will be located in a county without a comprehensive plan or zoning ordinances. The bill also modifies provisions pertaining to the establishment and operation of local review committees.

SB 36 establishes procedures for an electric utility or transmission operator to create and submit a wildfire mitigation plan that, once approved and published by an applicable authority, qualifies the utility or transmission operator for certain liability limitations related to wildfire damages. The bill also provides criteria for the Public Utilities Commission of the State of South Dakota and other approval authorities to review and approve wildfire mitigation plans and annual reports.

SB 135 requires the operator of a data center, defined as a centralized repository for the dissemination, management, processing, and storage of electronic data and information, with a peak demand of ten megawatts or greater, to establish and maintain terms and conditions pertaining to electric service, which require reimbursement of certain costs to the provider of the electric service. The bill prohibits the state from limiting the authority of a political subdivision to govern a data center. The bill also requires the operator to provide notice of the data center's projected water consumption to each affected water provider, which must determine compatibility with the local water supply. Upon receiving copies of the operator's notice and the provider's determination of compatibility, the Water Management Board must issue a written statement of satisfaction to the operator. The bill further authorizes the board to establish limits on water consumption by data centers and to prescribe procedures for the submission of required semi-annual water-use reports by operators.

2026 Title Summaries

Title 50 – Aviation



This memorandum summarizes 2026 legislation codified in SDCL Title 50 – **Aviation**.

HB 1280 increases the penalty, from a Class 1 misdemeanor to a Class 6 felony, for operating a drone over the grounds of a prison, correctional facility, jail, detention facility, or military facility, and authorizes law enforcement officers to utilize mitigation techniques and countermeasures in the event of a violation. The bill also authorizes the Department of Public Safety to promulgate rules identifying the nature and scope of mitigation techniques and drone countermeasures that may be utilized, and to develop a training program for law enforcement officers.

SB 219 requires that a state agency consult with the Aeronautics Commission before purchasing, transferring, or disposing of state owned and operated aircraft, other than an unmanned aircraft, a small unmanned aircraft, or a small unmanned aircraft system. The bill exempts the Board of Regents and the South Dakota Board of Technical Education, with respect to aircraft used primarily for educational purposes.

2026 Title Summaries

Title 51A – Banks and Banking



This memorandum summarizes 2026 legislation codified in SDCL Title 51A – **Banks and Banking**.

HB 1238 authorizes a financial institution to delay or refuse to execute certain financial transactions if there is reasonable belief that financial exploitation of a consenting, senior, or vulnerable adult may have occurred, is occurring, may have been attempted, or is being attempted.

SB 98 provides protections for users of virtual currency kiosks involving virtual currency transactions in this state. The bill establishes disclosure and reporting requirements and complaint and refund procedures. The bill also requires virtual currency kiosk operators to obtain state licensure, set transaction limits, adopt anti-fraud policies, utilize specialized software, verify user identities, provide customer service, and educate staff.

2026 Title Summaries

Title 53 – Contracts



This memorandum summarizes 2026 legislation codified in SDCL Title 53 – **Contracts**.

HB 1180 establishes the validity of certain non-compete provisions contained in a contract for the transfer of an interest in a jointly owned business entity or in the entity's governing documents.

SB 111 provides that if a user requests a copy of the user's personal data being held by certain social media services having more than 100 million active monthly users, the social media service must provide the personal data in a portable, readily usable format, that allows the user to transmit the data to another social media service, without impediment.

SB 153 provides that a provision of a contract, entered into on or after July 1, 2026, is voidable if the provision restricts a community services provider from employment or from otherwise providing services to individuals with developmental disabilities after the conclusion of the provider's employment, or after the dissolution of a partnership or other form of contractual relationship.

2026 Title Summaries

Title 54 – Debtor and Creditor



No 2026 legislation was codified in SDCL Title 54 – **Debtor and Creditor**.

2026 Title Summaries

Title 55 – Fiduciaries and Trusts



This memorandum summarizes 2026 legislation codified in SDCL Title 55 – **Fiduciaries and Trusts**.

SB 100 establishes liability, payment, and reimbursement procedures for taxes imposed on an owner of trust property and clarifies the treatment of advancements and distributions from the trust estate. The bill also clarifies provisions pertaining to the compensation of trustees and to attorney-client relationships.

SB 111 provides that if a user requests a copy of the user's personal data being held by certain social media services having more than 100 million active monthly users, the social media service must provide the personal data in a portable, readily usable format, that allows the user to transmit the data to another social media service, without impediment.

2026 Title Summaries

Title 56 – Guaranty, Suretyship and Indemnity



No 2026 legislation was codified in SDCL Title 56 – **Guaranty, Suretyship and Indemnity**.

2026 Title Summaries

Title 57A – Uniform Commercial Code



No 2026 legislation was codified in SDCL Title 57A – **Uniform Commercial Code**.

2026 Title Summaries

Title 58 – Insurance



This memorandum summarizes 2026 legislation codified in SDCL Title 58 – **Insurance**.

HB 1101 provides that an insurer may not decline or limit the coverage of an individual under any life, disability, or long-term care insurance policy solely due to the individual's status as a living organ donor. The bill also provides that an insurer may not otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price, or any other condition of a life, disability, or long-term care insurance policy, based solely, and without any additional actuarial risk, upon the status of an individual as a living organ donor.

HB 1119 provides that an individual may not serve as a director of a farm mutual insurer unless the individual is a member of the insurer or a member of one or more of the insurer's affiliates. The bill defines an affiliate as any entity that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the insurer at issue.

HB 1199 requires that a utilization review organization or health carrier conduct an annual review of the entity's prior authorization requests and subsequent determinations, and submit the findings to the Division of Insurance. The bill also requires that the entities eliminate prior authorization requirements for any health care services that are routinely approved at a significant rate.

HB 1292 provides that, with certain exceptions, a previously paid claim may be recouped, recovered, or retroactively denied by a health carrier only within eighteen months from the date the claim payment was made, if the health carrier has provided written notice of the reason to the provider.

2026 Title Summaries

Title 59 – Agency



This memorandum summarizes 2026 legislation codified in SDCL Title 59 – **Agency**.

HB 1102 provides that the annual report of certain entities may be filed in the month representing the first-year anniversary of the entity's formation and in the same month annually thereafter, or on or before January thirty-first.

2026 Title Summaries

Title 60 – Labor and Employment



This memorandum summarizes 2026 legislation codified in SDCL Title 60 – **Labor and Employment**.

SB 63 establishes the state office of apprenticeship within the Department of Labor, and directs that the office serve as the sole state apprenticeship agency, engage in outreach and education to promote registered apprenticeship programs as a workforce development tool, establish standards for registered apprenticeship programs, and resolve disputes between parties to an apprenticeship agreement.

2026 Title Summaries

Title 61 – Reemployment Assistance



This memorandum summarizes 2026 legislation codified in SDCL Title 61 – **Reemployment Assistance**.

HB 1286 clarifies and standardizes the process by which awards are disbursed from the employer's investment in South Dakota's future fund by defining what a research or economic development project means, requiring that businesses applying for awards from the fund submit a business plan as part of the application process, limiting the disbursement of awards to the reimbursement of award recipients for money the recipient has spent in the process of the research or economic development project, requiring award recipients to submit an itemized invoice if the award from the fund exceeds \$1 million, and requiring that Governor's Office of Economic Development promulgate rules to establish the process by which an entity or individual applies for an award, the process by which awards are disbursed, and the process by which the Governor's Office of Economic Development can recoup an award if the research or economic development project fails to comply with the terms agreed to when the award was approved. The bill also requires that the Governor's Office of Economic Development provide a written report to several standing legislative committees and that the commissioner appear to answer questions if requested by a committee chair.

2026 Title Summaries

Title 62 – Workers' Compensation



No 2026 legislation was codified in SDCL Title 62 – **Workers' Compensation**.