



2026 South Dakota Legislature
House Bill 1184
ENROLLED

AN ACT

ENTITLED An Act to define man and woman throughout the state.

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

Section 1. That § 2-14-2 be AMENDED:

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

- (1) "According to usage," that which is usual and customary;
- (2) "Adult," any person who is not a minor, as defined in chapter 26-1;
- (3) "Boy," a minor human male;
- (4) "Children" includes children by birth and by adoption;
- (5) "Compound interest," interest added to the principal as the interest becomes due, and thereafter made to bear interest;
- (6) "Corporate surety," a corporation acting as surety for a principal obligor, and which corporation is duly authorized under the laws of this state to transact business that involves acting as the surety;
- (7) "Creditor," except as defined and used in chapters 54-1 and 54-9, any person owed the performance of an obligation;
- (8) "Day," the period from midnight to midnight;
- (9) "Debtor," except as defined and used in chapters 54-1 and 54-9, any person that owes to another the performance of an obligation;
- (10) "Decree," the same meaning as the word "judgment";
- (11) "Depose," every mode of written statement under oath or affirmation;
- (12) "Father," a male parent;
- (13) "Female," an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes eggs for fertilization;

- (14) "Folio," one hundred words, counting every series of figures necessarily used, as a word; and any portion of a folio when in the whole draft or paper there is not a complete folio and when there is any excess of the last folio;
- (15) "Full-time equivalent" or "FTE," a number that designates staffing level where one full-time equivalent position is equal to the number of days, Monday through Friday, in a fiscal year, multiplied by eight hours per day, including, for purposes of salary computation, a nine month or more per year full-time teaching or research faculty person, or the equivalent thereof, at the institutions under the jurisdiction of the Board of Regents, and excluding:
- (a) Paid overtime hours;
 - (b) Hours paid to an employee assigned to a light duty position as approved by the commissioner of human resources and administration due to a temporary partial disability as defined in § 62-1-1;
 - (c) Hours paid for accumulated annual leave and sick leave upon employee termination;
 - (d) Hours paid to patient employees of the institutions under the control of the Department of Human Services or the Department of Social Services and the Department of Veterans Affairs;
 - (e) Hours paid to work-study students enrolled in postsecondary educational institutions or postsecondary students employed through internships in the legislative branch, judicial branch, or the executive branch;
 - (f) Hours paid to students enrolled in and employed by postsecondary educational institutions; and
 - (g) Hours paid to members of boards and commissions pursuant to § 4-7-10.4;
- (16) "Girl," a minor human female;
- (17) "Good faith," an honest intention to abstain from taking any unconscientious advantage of another, even through the forms or technicalities of law, together with an absence of all information or belief of facts that would render the transaction unconscientious;
- (18) "Indian tribe," any government of any Indian tribe that is located either wholly or partially within the state, has a constitution or a charter approved by the secretary of the United States Department of the Interior, and possesses the powers of self-government;

- (19) "Male," an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes sperm for fertilization;
- (20) "Man," an adult human male;
- (21) "Month," a calendar month;
- (22) "Mother," a female parent;
- (23) "Municipality," any municipality organized as provided in title 9;
- (24) "Oath" includes affirmation;
- (25) "Person" includes natural persons, partnerships, associations, cooperative corporations, limited liability companies, and corporations;
- (26) "Personal property" includes money, goods, chattels, things in action, and evidences of debt;
- (27) "Population," the number of inhabitants as determined by the last preceding federal census;
- (28) "Property" includes property, real and personal;
- (29) "Real property" is coextensive with lands, tenements, and hereditaments;
- (30) "Seal" includes an impression of the seal upon paper alone, upon wax or a wafer affixed to the paper, and also the word "seal" written or printed on the paper;
- (31) "Several," in relation to number, two or more;
- (32) "Sex," except as used in chapters 22-24A and 22-24B, an individual's biological sex, either male or female;
- (33) "Signature or subscription" includes mark, if the person cannot write, the person's name being written near the mark, and written by a person who writes the person's own name as a witness;
- (34) "State," the State of South Dakota;
- (35) "Testify," every mode of oral statement under oath or affirmation;
- (36) "Third persons" includes all who are not parties to the obligation or transaction concerning which the phrase is used;
- (37) "Township board," the board of supervisors of any organized township;
- (38) "Usual and customary," according to usage; usage is a reasonable and lawful public custom concerning transactions of the same nature as those which are to be affected thereby, existing at the place where the obligation is to be performed, and either known to the parties, or so well established, general, and uniform, that they must be presumed to have acted with reference thereto;

- (39) "Valuable consideration," value, or a thing of value parted with, or a new obligation assumed at the time of obtaining the thing, which is a substantial compensation for that which is obtained thereby;
- (40) "Verdict" includes not only the verdict of a jury, but also the finding upon the facts of a judge, or of a referee appointed to determine the issues in a cause;
- (41) "Voter," a person duly registered to vote or one who is performing the act of voting;
- (42) "Will" includes a codicil or codicils;
- (43) "Woman," an adult human female;
- (44) "Writing" and "written" include typewriting and typewritten, printing and printed, words, except in the case of signatures, where the words are used by way of contrast to typewriting and printing, and which may be made in any manner, except that when a person entitled to require the execution of a writing demands that it be made with ink, it must be so made; and
- (45) "Year," a calendar year.

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

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

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

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

Section 4. That § 2-14-3 be AMENDED:

2-14-3. Notwithstanding the provisions of § 2-14-2, a promissory note is not considered a sealed instrument where the word "seal" is printed thereon.

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

4-7-13.1. The financial plan adopted by the Legislature as prescribed in § 4-7-13 must separate the appropriations for full-time equivalent positions as defined in § 2-14-2.

Section 6. That § 9-2-7 be AMENDED:

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

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

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

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

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

- (1) "Absentee," any individual who has disappeared, who has been forcibly detained either illegally or by a foreign power, or who is otherwise located in a foreign country and is unable to return;
- (2) "Conservator," one appointed by the court to be responsible for managing the estate and financial affairs of a minor or protected person;
- (3) "Court representative," any individual appointed by the court to make investigations and recommendations as provided in this chapter or as otherwise ordered by the court;
- (4) "Guardian," one appointed by the court to be responsible for the personal affairs of a minor or protected person, but excludes one who is merely a guardian ad litem;

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

Any reference to a "guardian" includes a "limited guardian," and any reference to a "conservator" includes a "limited conservator," or a guardian with authority to manage the estate and financial affairs of a minor or protected person who was appointed prior to July 1, 1993. Any reference to a "person" refers to an "interested person," a "person alleged to need protection," or a "protected person," but does not refer to a "person" as defined in § 2-14-2.

Section 9. That § 32-5-2 be AMENDED:

32-5-2. Every owner, or with written authorization, any other person, as defined in § 2-14-2, on behalf of and as the agent for the owner, of a motor vehicle, motorcycle, truck tractor, road tractor, trailer or semitrailer, or recreational vehicle or trailer operated or driven upon the public highways of this state, shall, except as otherwise expressly provided, present to the county treasurer of the owner's county, or, in case of a nonresident of this state, the treasurer of any county, application for the registration of that vehicle. The application form must be furnished by the department and contain at least the following information:

- (1) The number of cylinders or the bore and stroke of each cylinder;
- (2) The manufacturer's weight;
- (3) Whether the vehicle operates on diesel fuel, liquified petroleum gas, gasoline, or any other special fuel;

- (4) The make, model, body, year, color, and vehicle identification number of the vehicle;
- (5) The odometer reading; and
- (6) The purchase price and the name and address of the seller, buyer, and any lienholder.

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

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

32-5-27. Any person, except a licensed vehicle dealer, which brings into the state or purchases any used or secondhand out-of-state motor vehicle that is not currently licensed in this state for the purpose of sale or resale, except a vehicle receiving a junking certificate, a motor vehicle with a gross vehicle weight rating of over twenty-six thousand pounds, or a semitrailer with a manufacturer's shipping weight of nine thousand pounds or more, shall, within forty-five days from the date of purchase or entry of the motor vehicle into the limits of this state, title the motor vehicle pursuant to chapter 32-3 and pay the excise tax pursuant to chapter 32-5B, provided that the person is not required to license the vehicle. Any licensed motor vehicle dealer titling a motor vehicle pursuant to this section is exempt from paying the excise tax imposed by § 32-5B-1 on the vehicle. The department shall issue a title for a vehicle titled by a licensed motor vehicle dealer pursuant to this section, which indicates that no excise tax has been paid. Upon transfer of the title to a subsequent purchaser of the motor vehicle, the excise tax must be paid by the purchaser or by any other person as defined in § 2-14-2, on behalf of and as the agent for the purchaser. A violation of this section is a Class 2 misdemeanor.

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

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

32-5B-9. Except as otherwise provided, a new owner of a motor vehicle, or with written authorization, any other person, as defined in § 2-14-2, on behalf of and as the agent for the new owner, shall present to the county treasurer in the county of the new owner's residence the manufacturer's or importer's statement or certificate of origin or

the assigned certificate of title and a properly endorsed motor vehicle purchaser's certificate. The motor vehicle purchaser's certificate must be on a form to be furnished by the department through the county treasurer's office. The certificate must contain a complete description of the motor vehicle, the owner's name and address, the previous owner's name and address, the full purchase price, as defined in § 32-5B-4, together with the method of computing the price, the trade-in allowance and description of the trade, if any, and any other relevant information the department may require. For a motor vehicle licensed and registered pursuant to chapter 32-10, the owner must present to the department the manufacturer's or importer's statement or certificate of origin or an assigned certificate of title and a properly endorsed motor vehicle purchaser's certificate. Any person who intentionally falsifies information on the certificate is guilty of a Class 6 felony.

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

33A-1-29. An Indian tribe, as defined in § 2-14-2, may appoint a veterans' service officer to serve under the same terms and conditions as a county veterans' service officer, as provided for in §§ 33A-1-22 to 33A-1-28, inclusive, or may contract with the Department of Veterans Affairs to provide the services of a veterans' service officer pursuant to § 33A-1-24. Any officer appointed or contracted with pursuant to this section is a tribal veterans' service officer.

An Act to define man and woman throughout the state.

I certify that the attached Act originated in
the:

House as Bill No. 1184

Received at this Executive Office
this _____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1184
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State