

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 11, 2026

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Tim Bresnahan, followed by the Pledge of Allegiance led by Senate pages Whitney Martinsen and Brody Miller.

Roll Call: All members present except Sen. Beal who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 35th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Chris Karr, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

March 10, 2026

Mr. President and Members of the Senate:

I have the honor to inform you that on March 10, 2026, I approved Senate Bill 164, and the same has been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Joint Legislative Procedure respectfully reports that it has had under consideration the proposed calendar for the One Hundred-Second Legislative Session and respectfully recommends the days of the One Hundred-Second Legislative Session be adopted as shown below:

102nd SOUTH DAKOTA LEGISLATIVE SESSION CALENDAR

2027  38 Legislative Days - 2027 B

Please refer to the Joint Rules, Chapter 17 for complete information.

	Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
January 2027						1	2
	3	4	5	6	7	8	9
	10	11	12 Session Opens 12 Noon(CST) <i>State of the State</i> 1:00 p.m. LD 1	13 <i>State of the Judiciary</i> 10:00 a.m. <i>State of the Tribes</i> 1:00 p.m. LD 2	14 LD 3	15 LD 4	16
	17	18 <i>Martin Luther King Jr. Day</i>	19 Executive orders filed (Constitution, Art. IV, Sec. 8) LD 5	20 LD 6	21 <i>Jt. Memorial Service</i> 3:00pm LD 7	22 LD 8	23
	24	25 LD 9	26 Bill and resolution draft requests due to LRC by 5:00pm (for unlimited introduction) LD 10	27 LD 11	28 Last day for unlimited bill and resolution introduction (JR 6B-3) (TWO HOURS prior to session) LD 12	29	30

February 2027	31	1 All bill and resolution draft requests due to LRC by 5:00pm LD 13	2 Committee bill and resolution draft requests due to LRC by 5:00pm LD 14	3 Last day for introduction of individual bills and resolutions (TWO HOURS prior to session) LD 15	4 Last day for introduction of committee bills and resolutions (TWO HOURS prior to session) LD 16	5 LD 17	6
	7	8 LD 18	9 LD 19	10 LD 20	11 Last day for JCA selection of general fund revenue targets (JR 7-11.1) LD 21	12	13
	14	15 <i>President's Day</i>	16 LD 22	17 LD 23	18 LD 24	19 LD 25	20
	21	22 Last day to move required delivery of bills or resolutions by a committee to the house of origin, and Last day to use JR 5-17 LD 26	23 Last day to pass bills or joint resolutions by the house of origin (Crossover Day), and Last day to invoke JR 7-7 in the house of origin LD 27	24 LD 28	25 Last day for JCA to move required delivery of special appropriation bills to house of origin (JR 17-1) LD 29	26	27
	28	1 Last day for house of origin to pass special appropriation bills referred from JCA (JR 17-1), and Commemoration requests due to LRC by 5:00pm LD 30	2 LD 31	3 JR 5-13 in effect, and Last day for introduction of commemorations (TWO HOURS prior to session) LD 32	4 Last day to move required delivery of bills or joint resolutions by a committee to the second house LD 33	5	6
March 2027		8 Last day for a bill or joint resolution to pass both houses, and Last day to invoke JR 7-7 in the second house LD 34	9 LD 35	10 LD 36	11 LD 37	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29 <i>Easter Monday</i>	30	31 Reserved for consideration of gubernatorial vetoes LD 38	1	2	3

1 MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
3 Enrolling has carefully compared **SB 39, 106, 119, 135, 159, 171, and 221** and finds the same
4 correctly enrolled.

5 Also MR. PRESIDENT:

6 The Committee on Legislative Procedure respectfully reports that **SB 3, 15, 41, 49, 76, 90,**
7 **96, 102, 107, 131, 132, 137, 139, 179, 204, 214, 219, and 222** were delivered to his
8 Excellency, the Governor, for his approval at 9:50 a.m., March 11, 2026.

9 Respectfully submitted,
10 Chris Karr, Chair

11 **REPORTS OF CONFERENCE COMMITTEES**

12 MR. PRESIDENT:

13 The **HB1200** A Conference Committee on **HB1200** respectfully reports that it has considered
14 the disagreement of the two houses, and returns the same with the recommendation that said bill
15 be amended as follows:

16 1200F

17 On page 1, line 4, of the Senate Engrossed bill, delete " \$102" and insert " \$5,500,000".

18 Respectfully submitted, Respectfully submitted,
19 Taylor Rehfeldt, Chair Tim S. Reed, Chair

20 **MESSAGES FROM THE HOUSE**

21 MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has concurred in Senate
23 amendments to **HB 1038, 1215, 1220, 1274, and 1320**.

24 Also MR. PRESIDENT:

25 I have the honor to inform your honorable body that the House has failed to concur in Senate
26 amendments to **HB 1323** and no committee was appointed.

27 Also MR. PRESIDENT:

28 I have the honor to inform your honorable body that the House has appointed
29 Representatives Novstrup (Chair), Derby, and Jorgenson as a committee of three on the part of the
30 House to meet with a like committee on the part of the Senate to adjust the differences between
31 the two houses on **SB 121**.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed
3 Representatives Derby (Chair), Kassin, and Shubeck as a committee of three on the part of the
4 House to meet with a like committee on the part of the Senate to adjust the differences between
5 the two houses on **SB 74**.

6 Respectfully,
7 Patricia Miller, Chief Clerk

8 **MOTIONS AND RESOLUTIONS**

9 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
10 Thursday, March 12, 2026, the 37th legislative day.

11 Which motion prevailed.

12 Sen. Mehlhaff moved that the Senate do concur in House amendments to **SB 245**.

13 Sen. Carley rose to a point of order that Sen. Karr should not be able to speak after
14 Sen. Zikmund yielded his time to the bill's prime sponsor.

15 The President ruled that Sen. Karr was allowed to speak a final time.

16 The question being on Sen. Mehlhaff's motion that the Senate do concur in House amendments
17 to **SB 245**.

18 And the roll being called:

19 Yeas 20, Nays 13, Excused 2, Absent 0

20 Yeas: Blanc, Carley, Deibert, Duhamel, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Lapka,
21 Marty, Mehlhaff, Nelson, Otten, Perry, Peterson (Sue), Pischke, Rohl, Voight, and Voita

22 Nays: Crabtree, Davis, Foster, Karr, Kolbeck (Steve), Larson, Miskimins, Sauder, Schoenfish,
23 Smith, Vilhauer, Wipf, and Zikmund

24 Excused: Beal and Reed

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

27 There being no objection, the Senate reverted to Order of Business No. 6 - Reports of
28 Conference Committees.

29 **REPORTS OF CONFERENCE COMMITTEES**

30 MR. PRESIDENT:

31 The **HB1209** A Conference Committee on **HB1209** respectfully reports that it has considered
32 the disagreement of the two houses, and returns the same with the recommendation that said bill
33 be amended as follows:

1 1209F

2 On page 1, line 5, of the Senate State Affairs Engrossed bill, delete "fifty" and insert " twenty-
3 five"

4 On page 1, line 5, of the Senate State Affairs Engrossed bill, after "employees" insert " shall"

5 On page 1, line 6, of the Senate State Affairs Engrossed bill, delete ", shall, within twenty days
6 of" and insert " and no later than the tenth day after"

7 On page 1, line 12, of the Senate State Affairs Engrossed bill, delete " twenty" and insert "
8 ten"

9 On page 1, line 16, of the Senate State Affairs Engrossed bill, delete "If the attorney general
10 deems the complaint meritorious and receives written confirmation from the United States
11 Department of Homeland Security or the United States Department of Justice that an employer has
12 knowingly employed an unauthorized person in violation of federal immigration law, the attorney
13 general may recover a civil penalty of two-thousand dollars for each violation. The attorney general
14 shall forward to the state treasurer for deposit in the general fund any civil penalty recovered
15 pursuant to this section.

16 An employer who uses the e-verify in good faith and maintains the verification record is not
17 liable for any civil penalty arising from an employee's work authorization. An employer is not liable
18 for the actions of a third-party staffing agency, subcontractor, or labor contractor, unless the
19 employer knowingly participated in a violation." and insert "

20 If upon investigation the attorney general has reasonable cause to determine that a violation
21 of section 1 of this Act has occurred, the attorney general must commence a civil action in circuit
22 court to recover a civil penalty in the amount of two thousand dollars per unauthorized or unverified
23 employee. The attorney general shall forward any civil penalty collected under this section to the
24 state treasurer for deposit in the general fund.

25 Nothing in this section prohibits the attorney general from initiating an investigation based on
26 information from any other source. "

27 On page 2, line 4, of the Senate State Affairs Engrossed bill, delete "Any " and insert "An "

28 On page 2, line 5, of the Senate State Affairs Engrossed bill, after "evade" insert " a".

29 Respectfully submitted,
30 Scott Odenbach, Chair

Respectfully submitted,
Randy Deibert, Chair

31 **CONSIDERATION OF REPORTS OF STANDING COMMITTEES**

32 Sen. Mehlhaff moved that the report of the Standing Committee on Joint Legislative Procedures
33 relative to the calendar for the One Hundred Second Legislative Session as found on page 518 of
34 the Senate Journal be adopted.

35 The question being on Sen. Mehlhaff's motion that the report of the Standing Committee on
36 Joint Legislative Procedures relative to the calendar for the One Hundred Second Legislative Session
37 be adopted.

38 And the roll being called:

39 Yeas 30, Nays 3, Excused 2, Absent 0

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

4 Nays: Peterson (Sue), Pischke, and Smith

5 Excused: Beal and Reed

6 So the motion having received an affirmative vote of a majority of the members-elect, the
7 President declared the motion prevailed.

8 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

9 Sen. Perry moved that the report of the Conference Committee on **HB 1200** as found on
10 page 520 of the Senate Journal be adopted.

11 The question being on Sen. Perry's motion that the report of the Conference Committee on
12 **HB 1200** be adopted.

13 And the roll being called:

14 Yeas 31, Nays 2, Excused 2, Absent 0

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

18 Nays: Carley and Pischke

19 Excused: Beal and Reed

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

22 Sen. Deibert moved that the report of the Conference Committee on **HB 1209** as found on
23 page 521 of the Senate Journal be adopted.

24 Sen. Deibert moved as a substitute motion that the report of the Conference Committee on
25 **HB 1209** as found on page 521 of the Senate Journal not be adopted and do not appoint a new
26 committee.

27 The question being on Sen. Deibert's substitute motion that the report of the Conference
28 Committee on **HB 1209** not be adopted and to not appoint a new committee.

29 And the roll being called:

30 Yeas 18, Nays 15, Excused 2, Absent 0

31 Yeas: Crabtree, Davis, Deibert, Duhamel, Foster, Kolbeck (Steve), Larson, Mehlhaff,
32 Miskimins, Otten, Perry, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

33 Nays: Blanc, Carley, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Marty, Nelson,
34 Peterson (Sue), Pischke, Voight, and Voita

Excused: Beal and Reed

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was not adopted, and no new committee was appointed.

Sen. Peterson (Sue) announced her intention to reconsider the vote by which Sen. Deibert's motion that the report of the Conference Committee on **HB 1209** not be adopted and do not appoint a new committee passed.

Sen. Mehlhaff moved that the Senate do now recess until 1:30 p.m.

Which motion prevailed and at 11:55 a.m., the Senate recessed.

RECESS

The Senate reconvened at 1:30 p.m., the President presiding.

There being no objection, the Senate reverted to Order of Business No. 8 - Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Earlier today, Sen. Peterson (Sue) announced her intention to reconsider the vote by which Sen. Deibert's motion that the report of the Conference Committee on **HB 1209** not be adopted and do not appoint a new committee passed.

Sen. Peterson (Sue) moved that the Senate do now reconsider the vote by which Sen. Deibert's motion that the report of the Conference Committee on **HB 1209** not be adopted and do not appoint a new committee passed.

The question being on Sen. Peterson's motion that the Senate do now reconsider the vote by which Sen. Deibert's motion that the report of the Conference Committee on **HB 1209** not be adopted and do not appoint a new committee passed.

And the roll being called:

Yeas 15, Nays 19, Excused 1, Absent 0

Yeas: Blanc, Carley, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Marty, Nelson, Peterson (Sue), Pischke, Voight, and Voita

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

Excused: Beal

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

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT:

The **SB74** A Conference Committee on **SB74** respectfully reports that it has considered the disagreement of the two houses, and returns the same with the recommendation that said bill be amended as follows:

74C

On page 1, line 4, of the House Appropriations Engrossed bill, delete " \$101" and insert " \$80,854,355"

On page 1, line 6, of the House Appropriations Engrossed bill, delete " \$101" and insert " \$20,613,269".

Respectfully submitted,
Ernie Otten, Chair

Respectfully submitted,
Mike Derby, Chair

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

Sen. Otten moved that the report of the Conference Committee on **SB 74** as found on page 525 of the Senate Journal be adopted.

The question being on Sen. Otten's motion that the report of the Conference Committee on **SB 74** be adopted.

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

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

Excused: Beal and Kolbeck (Steve)

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

SIGNING OF BILLS

The President publicly read the title to

SB 39: FOR AN ACT ENTITLED, An Act to revise provisions relating to industrial hemp.

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

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

1 **SB 135:** FOR AN ACT ENTITLED, An Act to protect residents from increased utility costs and
2 utility shortages caused by data centers and clarify authority to regulate data centers.

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

5 **SB 171:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the processing of
6 absentee ballots and to declare an emergency.

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

9 **HB 1006:** FOR AN ACT ENTITLED, An Act to create a taskforce to study the creation of Indian
10 medicaid managed care entities in the state.

11 **HB 1082:** FOR AN ACT ENTITLED, An Act to establish parameters for the reimbursement of
12 school districts that provide free or reduced-price meals to students.

13 **HB 1140:** FOR AN ACT ENTITLED, An Act to permit a court to impose as a condition of
14 probation, or parole in certain circumstances, treatment at a nonprofit entity awarded an alternative
15 care program grant.

16 **HB 1148:** FOR AN ACT ENTITLED, An Act to adopt the respiratory care interstate compact.

17 **HB 1149:** FOR AN ACT ENTITLED, An Act to adopt the athletic trainer licensure compact.

18 **HB 1184:** FOR AN ACT ENTITLED, An Act to define man and woman throughout the state.

19 **HB 1187:** FOR AN ACT ENTITLED, An Act to add coaches to the list of mandatory reporters of
20 child abuse or neglect.

21 **HB 1249:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the School Finance
22 Accountability Board, and the process by which a recommendation of the board is approved.

23 And signed the same in the presence of the Senate.

24 Sen. Davis moved that the Senate do now adjourn, which motion prevailed and at 2:02 p.m.
25 the Senate adjourned.

26
Peggy Laurenz, Secretary