JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

SEVENTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 06, 2026

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Donell Chambers, followed by the Pledge of Allegiance led by Senate page Samuel Valle.

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 16th day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Chris Karr, Chair

Which motion prevailed.

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

SENATE PAGE RESOLUTION 2 Introduced by: Senators Beal; Blanc; Carley; Crabtree; Davis; Deibert; Duhamel; Foster; Grove; Hohn; Howard; Hulse; Jensen; Karr; Kolbeck; Lapka; Larson; Marty; Mehlhaff; Miskimins; Nelson; Otten; Perry; Peterson; Pischke; Reed; Rohl; Sauder; Schoenfish; Smith; Vilhauer; Voight; Voita; Wipf; and Zikmund

A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the One Hundred First Legislature of the State of South Dakota to Elliot Carbonneau, Madalyn Cole, Sadie Davis, Kaydence De Haan, Alexis Hoffman, Isabelle Hotchkiss, Ella Johnson, Elizabeth Meyer, Coltyn Raymond, and Samuel Valle.

WHEREAS, the above named served loyally as pages for the Senate of the One Hundred First Legislative Session; and

WHEREAS, the members of the One Hundred First Senate express their most sincere appreciation to these young people for their service to the state; and

WHEREAS, the members extend to these young people their wishes for every success in life;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundred First Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each page on this last day of service.

Sen. Sauder moved that Senate Page Resolution 2 be adopted.

The question being on Sen. Sauder's motion that Senate Page Resolution 2 be adopted.

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

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

COMMUNICATIONS AND PETITIONS

February 6, 2026

Mr. President and Members of the Senate:

I have the honor to inform you that on February 6, 2026, I approved Senate Bills 5, 56, 57, 64, and 84, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

January 29, 2026

The Honorable Tonnis H. Venhuizen
President of the Senate
State Capitol
Pierre, SD 57501

Dear President and Members of the Senate:

Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Matt Judson, of Hughes County, Pierre, South Dakota to the Board of Economic Development.

This reappointment is effective April 14, 2026, and shall continue until April 14, 2030.

Sincerely,
Larry Rhoden
Governor

The President announced the referral of the reappointment to the Committee on Commerce and Energy.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Senate Government Operations and Audit respectfully reports that it has had under consideration the nomination of John Bastian of Butte County, Belle Fourche, South Dakota, to the Government Accountability Board and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Also MR. PRESIDENT:

The Committee on Senate Government Operations and Audit respectfully reports that it has had under consideration the nomination of David Gienapp of Lake County, Madison, South Dakota, to the Government Accountability Board and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said appointment having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Taffy Howard, Chair

MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 180** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 202** which was tabled.

Respectfully submitted,
Randy Deibert, Chair

MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 72** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 73** and returns the same with the recommendation that said bill be amended as follows:

73A

On page 2, line 16, of the Introduced bill, delete " at least" and insert " within"

On page 2, line 16, of the Introduced bill, delete " after" and insert " following"

On page 2, line 28, of the Introduced bill, after "greater" insert " rounded up to the nearest penny"

On page 3, line 10, of the Introduced bill, after "greater" insert " rounded up to the nearest penny"

On page 4, line 10, of the Introduced bill, delete " or electronically authorized" and insert " with either an original handwritten signature or an electronic signature attached using a security procedure capable of verifying the act of the person signing the record"

On page 4, line 19, of the Introduced bill, delete " statement" and insert " invoice"

On page 4, line 21, of the Introduced bill, after "claims" insert " or vouchers"

On page 5, line 4, of the Introduced bill, after "purpose." delete "For purposes of this section, "claim" or "voucher" means an original request for disbursement of state funds or an electronic copy of the request."

On page 5, line 13, of the Introduced bill, delete " or electronically acknowledges" and insert " with either an original handwritten signature or an electronic signature attached using a security procedure capable of verifying the act of the person signing the record acknowledging"

On page 5, line 16, of the Introduced bill, delete " or electronically acknowledges" and insert " with either an original handwritten signature or an electronic signature attached using a security procedure capable of verifying the act of the person signing the record acknowledging"

On page 7, line 8, of the Introduced bill, after "microfilmed" insert " or electronic"

And that as so amended, **SB 73** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 195** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Ernie Otten, Chair

MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1030, 1060, and 1088** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tim S. Reed, Chair

MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 102** with the recommendation that said bill be referred to the Senate Committee on Appropriations.

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 225** with the recommendation that said bill be referred to the Senate Committee on Appropriations.

Respectfully submitted,
Mike Derby, Co-Chair

Respectfully submitted,
Ernie Otten, Co-Chair

MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 118** which was deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 125** and returns the same with the recommendation that said bill be amended as follows:

125B

On page 1, line 1, of the Introduced bill, after "fund" delete " to provide a tax rebate for owner-occupied property"

On page 1, line 4, of the Introduced bill, delete " 13-13" and insert " 10-13"

On page 1, line 7, of the Introduced bill, after "provide" delete " a"

On page 1, line 7, of the Introduced bill, delete " rebate" and insert " relief"

On page 1, line 11, of the Introduced bill, after "fund." delete "Section 2. That a NEW SECTION be added to chapter 10-13:

"

On page 1, line 12, of the Introduced bill, after "10-13:" delete "Prior to June thirtieth of each year, the secretary of the Department of Revenue shall calculate the maximum amount of tax rebate to which each owner of owner-occupied property is entitled for the current tax year, using the following formula:

(1) Multiply two dollars by the number of property owners entitled to receive the tax rebate;

(2) Subtract the resulting amount in subdivision (1) from the total amount of moneys appropriated from the homeowner tax reduction fund for the current tax year;

(3) Divide the resulting amount in subdivision (2) by the number of property owners entitled to receive the tax rebate."

On page 1, line 21, of the Introduced bill, after "rebate." delete "Section 3. That a NEW SECTION be added to chapter 10-13:

"

On page 1, line 22, of the Introduced bill, after "10-13:" delete "Prior to June thirtieth of each year, the secretary of the Department of Revenue shall mail, or electronically transmit, to each eligible property owner, a tax rebate equal to the lesser of:

(1) The resulting amount in subdivision (3) of section 2 of this Act; or

(2) The sum of all taxes levied on the owner-occupied single-family dwelling, for the current tax year, in excess of two hundred fifty dollars.

Moneys in excess of the total distributions of tax rebates under this section, in a year, must remain in the homeowner tax reduction fund or be used to defray the administrative costs incurred by the implementation of the rebates. The amount used to defray the administrative costs in any year must equal the resulting amount in subdivision (1) of section 2 of this Act."

And that as so amended, **SB 125** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Taxation respectfully reports that it has had under consideration **SJR 504** and returns the same with the recommendation that said resolution do pass.

Respectfully submitted,
Sue Peterson, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 177** and returns the same with the recommendation that said bill be amended as follows:

177C

On page 1, line 1, of the Introduced bill, delete "require that a voter use a black ink pen when marking an optical scan ballot" and insert " clarify the requirements for marking an optical scan ballot"

On page 1, line 5, of the Introduced bill, delete " voter may use a pencil or other marking instrument provided must use a black ink ballpoint pen to mark the voter's choice on the ballot" and insert " person in charge of the election must:

(1) Provide a black ink pen for each in-person voter to mark the voter's choice on the ballot; and

(2) Provide instructions to each voter who applies to vote by absentee ballot that the voter use a black ink pen to mark the voter's choice on the ballot.

The person in charge of the election may not disqualify any ballot marked by a writing instrument other than a black ink pen"

And that as so amended, **SB 177** do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Jim Mehlhaff, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith **HB 1095** which has passed the House and your favorable consideration is respectfully requested.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that **SB 85** was lost on second reading and final passage.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Mehlhaff moved that **HB 1076** be placed to precede **HB 1034** on today's calendar.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

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

Judiciary on **SB 122** as found on page 190 of the Senate Journal; also

Judiciary on **SB 137** as found on page 191 of the Senate Journal; also

Judiciary on **SB 139** as found on page 192 of the Senate Journal; also

Judiciary on **SB 150** as found on page 192 of the Senate Journal; also

Commerce and Energy on **SB 60** as found on page 193 of the Senate Journal; also

Commerce and Energy on **SB 197** as found on page 195 of the Senate Journal; also

Military and Veterans Affairs on **SB 132** as found on page 190 of the Senate Journal; and

Military and Veterans Affairs on **HB 1080** as found on page 190 of the Senate Journal be adopted.

Which motion prevailed and the reports were adopted.

CONSIDERATION OF EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive appointment of Dean Kirkeby of Clark County, Clark, South Dakota, to the Game, Fish and Parks Commission.

The question being "Does the Senate advise and consent to the executive appointment of Dean Kirkeby?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

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

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

The President declared that **SB 185** was withdrawn at the request of the prime sponsor pursuant to JR 6B-1.1.

The following bill was read on February 4, 2026, and today the President Pro Tem assigned this bill to committee:

SB 233 was referred to the Committee on Health and Human Services.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1095: FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the submission of a nominating petition.

Was read the first time.

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

SB 35: FOR AN ACT ENTITLED, An Act to revise the process for requesting a veteran's certificate of discharge from a county register of deeds.

SB 131: FOR AN ACT ENTITLED, An Act to revise the season in which a nonprofit organization may host a special pheasant hunt for disabled veterans and Purple Heart recipients.

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

The executive reappointment of Stephanie Rissler of Clay County, Burbank, South Dakota, to the Game, Fish and Parks Commission.

Were read the second time.

The question being "Shall **SB 142** pass as amended, and **SB 35 and 131** pass, and does the Senate advise and consent to the executive reappointment of Stephanie Rissler of Clay County, Burbank, South Dakota, to the Game, Fish and Parks Commission?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 3: FOR AN ACT ENTITLED, An Act to limit the types of residential improvements for which counties, municipalities, and townships may require a permit.

Was read the second time.

The question being "Shall **SB 3** pass as amended?"

And the roll being called:

Yeas 28, Nays 6, Excused 1, Absent 0

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

Nays: Duhamel, Larson, Miskimins, Reed, Smith, and Vilhauer

Excused: Beal

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

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1076: FOR AN ACT ENTITLED, An Act to revise restrictions on residence within a community safety zone and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1076** pass as amended?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

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

Excused: Beal

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

HB 1034: FOR AN ACT ENTITLED, An Act to increase fees for decals and license plates mailed to vehicle owners.

Was read the second time.

The question being "Shall **HB 1034** pass as amended?"

And the roll being called:

Yeas 27, Nays 7, Excused 1, Absent 0

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

Nays: Blanc, Carley, Foster, Grove, Howard, Pischke, and Voita

Excused: Beal

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

HB 1058: FOR AN ACT ENTITLED, An Act to require licensure for online pari-mutuel wagering pools for horse and dog races, and clarify the application of tax therefor.

Was read the second time.

The question being "Shall **HB 1058** pass?"

And the roll being called:

Yeas 29, Nays 5, Excused 1, Absent 0

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

Nays: Carley, Hohn, Jensen (Kevin), Peterson (Sue), and Pischke

Excused: Beal

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

HB 1064: FOR AN ACT ENTITLED, An Act to provide for the sale of producer-raised meat and meat food products directly to consumers pending legalization under federal law.

Was read the second time.

The question being "Shall **HB 1064** pass as amended?"

And the roll being called:

Yeas 28, Nays 6, Excused 1, Absent 0

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

Nays: Davis, Duhamel, Larson, Sauder, Smith, and Wipf

Excused: Beal

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

SIGNING OF BILLS

The President publicly read the title to

HB 1011: FOR AN ACT ENTITLED, An Act to modify fees charged by the clerk of courts for certain copies of court records.

HB 1028: FOR AN ACT ENTITLED, An Act to establish a criminal background check requirement for multistate licensure under the social work licensure compact.

And signed the same in the presence of the Senate.

Sen. Smith moved that the Senate do now adjourn, which motion prevailed and at 1:59 p.m. the Senate adjourned.

Peggy Laurenz, Secretary