

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 19, 2026

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

The prayer was offered by the Chaplain, Rev. Anthony Purcell, followed by the Pledge of Allegiance led by Senate page Rachel Steffensen.

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 23rd 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.

1

REPORTS OF STANDING COMMITTEES

2

MR. PRESIDENT:

3

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 96** and returns the same with the recommendation that said bill do pass.

5

Also MR. PRESIDENT:

6

The Committee on Senate Taxation respectfully reports that it has had under consideration **SB 144 and 241** which were deferred to the 41st Legislative Day.

8

Respectfully submitted,
Sue Peterson, Chair

9

10

MR. PRESIDENT:

11

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 124** and returns the same with the recommendation that said bill be amended as follows:

12

13

14

124B

15

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

16

"

17

Section 1. That a NEW SECTION be added to chapter 34-18:

18

During the period beginning July 1, 2026, and ending June 30, 2031, a person may not sell, offer for sale, hold for sale, or distribute in this state any product containing cell-cultured protein.

19

20

Upon receipt of a complaint, the department must inspect any food service establishment, mobile food service establishment, or temporary food service establishment and, if a violation is found, issue a stop-sale order. Following a conviction under this section, the department must proceed in accordance with chapter 1-26 to suspend, revoke, or deny renewal of the establishment's license, as provided under §§ 34-18-27.1 and 34-18-27.3.

21

22

23

24

25

A violation of this section is a Class 2 misdemeanor.

26

For purposes of this section, "cell-cultured protein" means a product that is produced for use as human food, made wholly or in part from any cell culture or DNA of a host animal, and grown or cultivated outside a live animal. Cell-cultured protein does not include 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, provided those products are not intended to replicate meat or animal tissue for human consumption.

27

28

29

30

31

32

33

Section 2. That a NEW SECTION be added to chapter 39-5:

34

During the period beginning July 1, 2026, and ending June 30, 2031, a person may not sell, manufacture, offer for sale, hold for sale, or distribute in this state any product containing cell-cultured protein.

35

36

37

The Animal Industry Board shall enforce this section using its existing authority, including by seizure and condemnation of products, as provided in § 39-5-38.

38

A violation of this section is a Class 2 misdemeanor

For purposes of this section, "cell-cultured protein" means a product that is produced for use as human food, made wholly or in part from any cell culture or DNA of a host animal, and grown or cultivated outside a live animal. Cell-cultured protein does not include proteins produced through microbial fermentation, enzymatic processing, traditional food cultures, or biotechnology processes used in the manufacture of pharmaceuticals, biologics, vaccines, dietary supplements, enzymes, or medical products, provided those products are not intended to replicate meat or animal tissue for human consumption.

11

And that as so amended, **SB 124** do pass.

Also MR. PRESIDENT:

The Committee on Senate Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1111** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Tom Pischke, Chair

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 159** and returns the same with the recommendation that said bill be amended as follows:

159A

On page 2, line 5, of the Introduced bill, delete " ten" and insert " four"

And that as so amended, **SB 159** do pass.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1013, 1014, and 1022** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **HB 1012 and 1062** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Steve Kolbeck, Chair

MR. PRESIDENT:

The Committee on Senate Education respectfully reports that it has had under consideration **SB 213** with the recommendation that said bill be referred to the Joint Committee on Appropriations with a Do Pass recommendation.

1 Also MR. PRESIDENT:

2 The Committee on Senate Education respectfully reports that it has had under consideration
3 **SB 229** and returns the same with the recommendation that said bill be amended as follows:

4 229A

5 On page 1, line 1, of the Introduced bill, after "of" insert " certain"

6 On page 1, line 1, of the Introduced bill, after "certificates" insert ", lease-purchase contracts,
7 or installment purchase contracts"

8 On page 1, line 11, of the Introduced bill, remove the overstrikes from the comma

9 On page 1, line 11, of the Introduced bill, after "contract," delete " or"

10 On page 1, line 11, of the Introduced bill, remove the overstrikes from ", or issue"

11 On page 1, line 11, of the Introduced bill, delete " issue" and insert " issuance"

12 On page 1, line 12, of the Introduced bill, remove the overstrikes from " of capital outlay
13 certificates"

14 On page 1, line 12, of the Introduced bill, remove the overstrikes from " or 13-16-6. 2"

15 On page 1, line 14, of the Introduced bill, remove the overstrikes from " one and one-half
16 percent of the taxable valuation of taxable property within the district"

17 On page 1, line 15, of the Introduced bill, after "district" delete " fifty thousand dollars"

18 On page 1, line 15, of the Introduced bill, remove the overstrikes from ", or certificates issued,"

19 On page 1, line 17, of the Introduced bill, delete " Upon" and insert " Except as otherwise
20 provided in this section,"

21 On page 1, line 18, of the Introduced bill, after "Upon" delete " the approval of the board during
22 the hearing,"

23 On page 1, line 18, of the Introduced bill, remove the overstrikes from " may approve the
24 action or may"

25 On page 1, line 19, of the Introduced bill, after "may" delete " shall"

26 On page 1, line 20, of the Introduced bill, delete "Capital " and insert "A proposed installment
27 purchase contract, lease-purchase, or issuance of "

28 On page 1, line 20, of the Introduced bill, after "13-16-6.2" insert ", which obligate the district
29 to future payments, or with a maturity date, in excess of ten years,"

30 On page 1, line 21, of the Introduced bill, after "issued" insert " or entered into"

31 On page 1, line 21, of the Introduced bill, after "unless" delete " prior thereto the school board
32 conducts a public hearing after having given notice by publication at least twice in its official
33 newspaper at least ten days before the hearing. Upon the approval of the board during the hearing,"

34 On page 1, line 23, of the Introduced bill, after "board" delete " shall refer"

35 On page 1, line 23, of the Introduced bill, after "refer" insert " refers"

On page 2, line 2, of the Introduced bill, delete "Approval " and insert "Except as otherwise provided in this section, approval "

On page 2, line 2, of the Introduced bill, remove the overstrikes from " or issue capital outlay certificates"

On page 2, line 8, of the Introduced bill, after "13-16-6.3" insert ", with a maturity date in excess of ten years from the date of issuance,"

And that as so amended, **SB 229** do pass.

Respectfully submitted,
Kyle Schoenfish, Chair

MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 232** which was tabled.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 234 and 235** which were deferred to the 41st Legislative Day.

Also MR. PRESIDENT:

The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 239** and returns the same with the recommendation that said bill be amended as follows:

239B

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

"

Section 1. That § 1-16G-56 be AMENDED:

1-16G-56. Terms used in §§ 1-16G-56 to 1-16G-68, inclusive, mean:

- (1) "Board," the Board of Economic Development;
- (2) "Commissioner," the commissioner of the Governor's Office of Economic Development;
- (3) "Completed the project" or "completion of the project," the first date when the project is operational;
- (4) "Construction date," the first date earth is excavated or a contractor has initiated work for the purpose of constructing a new or expanded facility or the first date new equipment is located on the project site or existing equipment is removed from the project site for the purpose of equipment upgrades, whichever occurs first;
- (5) "Cryptocurrency," a digital or virtual currency that is not issued by any central authority, is designed to function as a medium of exchange, and uses encryption technology to regulate the generation of units of currency, to verify fund transfers, and to prevent counterfeiting;
- (6) "Data center," any facility established for the purpose of processing, storage, retrieval, or communication of data;

-
- 1 ~~(6)~~(7) "Department," the Department of Revenue;
- 2 (8) "Direct payment permit," the permit issued by the department pursuant to § 10-46-67;
- 3 ~~(7)~~(9) "Equipment upgrades," the installation of new equipment or the replacement or
 4 improvement of existing equipment, which is subject to the sales or use tax imposed by
 5 chapters 10-45 or 10-46 or contractor's excise tax imposed by chapters 10-46A or 10-
 6 46B. Equipment upgrades do not include the installation or replacement of consumable,
 7 wear, or maintenance items, or the replacement of failed equipment or components
 8 done on an ad hoc basis;
- 9 ~~(8)~~(10) "GOED," the Governor's Office of Economic Development;
- 10 ~~(9)~~(11) "New or expanded facility," a new building or structure, or the expansion, renovation,
 11 or retrofitting of an existing building or structure, which is subject to the contractor's
 12 excise tax imposed by chapters 10-46A or 10-46B;
- 13 ~~(10)~~(12) "Person," any individual, firm, copartnership, joint venture, association,
 14 cooperative, nonprofit development corporation, limited liability company, limited
 15 liability partnership, corporation, estate, trust, business trust, receiver, or any group or
 16 combination acting as a unit;
- 17 ~~(11)~~(13) "Project," a new or expanded facility with a project cost which exceed twenty million
 18 dollars, or equipment upgrades with a project cost which exceed two million dollars. A
 19 project includes laboratory and testing facilities, manufacturing facilities, advanced
 20 telecommunications capability, data centers, power generation facilities, power
 21 transmission facilities, agricultural processing facilities, wind energy facilities, and
 22 facilities defined by GOED as targeted industries. A project does not include any building
 23 or structure:
- 24 (a) Used predominantly for the sale of products at retail, other than the sale of
 25 electricity at retail, or the provision of advanced telecommunications capability,
 26 to individual consumers;
- 27 (b) Used predominantly for residential housing or transient lodging;
- 28 (c) Used predominantly to provide health care services;
- 29 (d) Used predominantly for the transportation or transmission of natural gas, oil, or
 30 crude oil by means of a pipeline; or
- 31 (e) That is not subject to ad valorem real property taxation or equivalent taxes
 32 measured by gross receipts;
- 33 ~~(12)~~(14) "Project cost," the amount paid by the project owner in money, credits, property, or
 34 other consideration associated with a project including, without limitation, land, labor,
 35 materials, furniture, equipment, fees, or fixtures. Project cost does not include any
 36 amount paid as part of a new or expanded facility or equipment upgrades attributable
 37 to the processing, storage, retrieval, or communication of data related to
 38 cryptocurrency;
- 39 (15) "Reinvestment payment permit," the permit issued pursuant to § 1-16G-60;
- 40 (16) "Secretary," the secretary of the Department of Revenue;
- 41 ~~(13)~~(17) "Wind energy facility," any new facility or facility expansion that:
- 42 (a) Consists of a commonly managed integrated system of towers, wind turbine
 43 generators with blades, power collection systems, and electric interconnection

1 systems, that convert wind movement into electricity, and is subject to the tax
2 imposed by §§ 10-35-18 and 10-35-19; and

3 (b) The construction of which is subject to contractors' excise tax pursuant to
4 chapter 10-46A or 10-46B; and

5 ~~(14)~~(18) "Advanced telecommunications capability," without regard to any transmission
6 media or technology, is high-speed, switched, broadband telecommunications capability
7 that enables users to originate and receive high-quality voice, data, graphics, and video
8 telecommunications using any technology that provides a minimum actual download
9 speed of at least twenty-five megabits per second and actual upload speed of at least
10 three megabits per second.

11 **Section 2. That a NEW SECTION be added to chapter 1-16G:**

12 If the project cost for a new or expanded facility on or after April 1, 2026, exceeds the amount
13 set pursuant to section 3 of this Act, a person may apply for a reinvestment payment as provided
14 in § 1-16G-57, subject to the following adjustments to the procedures in §§ 1-16G-56 to 1-16G-68,
15 inclusive:

16 (1) The application required in § 1-16G-58 must also include all information required by the
17 department for a direct payment permit. The commissioner shall share the relevant
18 portion of the application with the department on a confidential basis. The department
19 shall review the information as a written application to the secretary for a direct payment
20 permit;

21 (2) Prior to the board's review of the application, the department must provide the
22 commissioner with a determination of the person's eligibility for a direct payment permit.
23 The appeal provisions of § 10-46-67 do not apply to an application qualified under this
24 section. A person who is not eligible for a direct payment permit may not receive a
25 reinvestment payment permit on the terms of this section;

26 (3) Following its review pursuant to § 1-16G-59, the board may, by two-thirds majority,
27 approve a combined reinvestment payment that is equal to or less than the South
28 Dakota sales and use tax due on the initial project cost of a new or expanded facility,
29 as well as the project costs of any future equipment upgrades in that same facility for a
30 term not to exceed thirty years after the construction date;

31 (4) A reinvestment payment permit issued to a project described in this section also
32 operates as a direct payment permit for the project applicant;

33 (5) In addition to the affidavit requirement in § 1-16G-61, the person holding a
34 reinvestment payment permit must also submit an annual affidavit following completion
35 of the project detailing the project cost of any equipment upgrades during that period;

36 (6) The three-year eligibility period for project costs in § 1-16G-62 is extended to four years
37 for the initial project cost of a project qualified under this section. In addition, the project
38 will also have a separate eligibility period for the project cost of any future equipment
39 upgrades running from completion of the project until expiration of the reinvestment
40 payment permit;

41 (7) A reinvestment payment permit extends to a person's lessee on the same terms and
42 may also be assigned or transferred, but in each case only if the lessee, assignee, or
43 transferee also holds a direct payment permit;

44 (8) The secretary shall relieve a person holding a direct payment permit of its obligation to
45 accrue and pay the taxes imposed by chapters 10-45 and 10-46, but only to the extent
46 covered by a reinvestment payment permit. The commissioner must subtract any relief
47 granted by the secretary from the reinvestment fund payment to which that person is
48 otherwise entitled under § 1-16G-63; and

- (9) Except as provided in this section, all other provisions of §§ 1-16G-56 to 1-16G-68, inclusive, continue to apply to projects qualified under this section.

Section 3. That a NEW SECTION be added to chapter 1-16G:

The board shall adopt a policy setting the minimum project cost required for a project to qualify for purposes of section 2 of this Act. The board may adopt a new policy changing the minimum project cost, but may not do so within two years of setting a previous policy.

Section 4. That § 1-16G-59 be AMENDED:

1-16G-59. The Board of Economic Development shall review ~~an~~ a completed application and make a determination of whether the project is approved or disapproved within ninety days of receiving the application. The applicant may, by written consent, extend the deadline provided in this section. The extension must provide a new deadline for the board's review and determination. The board shall consider the likelihood that the project would have occurred without the reinvestment payment. The board may approve a reinvestment payment that is equal to or less than South Dakota sales and use tax paid on the project costs.

The board shall consider the following factors when making that determination:

- (1) Has the county or municipality adopted a formula to reduce property taxation for the project for five years under the discretionary formula pursuant to § 10-6-137;
- (2) Has the county or municipality approved a tax increment financing district pursuant to chapter 11-9 for the area where the project will be located;
- (3) Has the municipality approved a municipal sales tax refund pursuant § 10-52-10;
- (4) Economic activity that may occur in the community, area, and state; and
- (5) Criteria established by rules promulgated pursuant to § 1-16G-67."

And that as so amended, **SB 239** do pass.

Respectfully submitted,
Jim Mehlhaff, Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 6, which was recalled**; which was tabled.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 76**; and returns the same with the recommendation that said bill be amended as follows:

76A

On page 1, line 1, of the Introduced bill, after "to " delete "transfer moneys from the housing infrastructure fund to the revolving economic development and initiative fund, and to "

On page 1, line 2, delete " revolving economic development and initiative" and insert " South Dakota housing infrastructure"

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

"

Section 1. That § 11-15-6 be AMENDED:

11-15-6. The authority shall promulgate rules, pursuant to chapter 1-26, specifying the criteria and process for the application, approval, and disbursement of:

- (1) Loans and grants provided in accordance with §§ 11-15-1 to 11-15-5, inclusive, and § 11-15-7; ~~and~~
- (2) Loans provided in accordance with § 11-15-8; ~~and~~
- (3) Loans provided in accordance with section 2 of this Act.

Section 2. That a NEW SECTION be added to chapter 11-15:

In addition to any other loan authorized in § 11-15-2, the authority may provide loans from the South Dakota housing infrastructure fund, created in § 11-15-2, to the owner or operator of an airport with scheduled air service located in this state and in a metropolitan statistical area with an estimated annual resident population of at least one hundred twenty-five thousand, determined as of July 1, 2024, by the United States Census Bureau.

Loans provided under this section:

- (1) Are for the purpose of improving or maintaining airport infrastructure;
- (2) May not exceed fifteen million dollars per recipient; and
- (3) Are subject to the terms set forth in section 3 of this Act.

The authority shall consider, and authorize or deny, any loan requested pursuant to this section at a public meeting held pursuant to chapter 1-25.

All moneys received by the authority in repayment of a loan made pursuant to this section must be deposited in the South Dakota housing infrastructure fund and used for making new loans pursuant to § 11-15-2.

Section 3. That a NEW SECTION be added to chapter 11-15:

A loan made pursuant to section 2 of this Act must:

- (1) Bear interest payable at the rate of zero percent per year;
- (2) Be unsecured;
- (3) Require equal annual payments based on a twenty-year amortization;
- (4) Require that the first payment be due one year from the date of the funding of the loan; and
- (5) Be closed and funded on or before June 30, 2030.

Section 4. That a NEW SECTION be added to chapter 11-15:

A loan made pursuant to section 2 of this Act to a municipality is exempt from the provisions of chapters 6-8B and 9-25, but the loan is subject to the constitutional limitations of municipal indebtedness.

A loan made pursuant to section 2 of this Act to a regional airport authority, created pursuant to chapter 50-6A, is exempt from the provisions of §§ 50-6A-29 to 50-6A-37, inclusive.

"

And that as so amended, **SB 76** do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 204**; and returns the same with the recommendation that said bill be amended as follows:

204A

On page 1, line 17, of the Introduced bill, after "project." delete "Section 2. That § 11-15-3 be AMENDED:

"

On page 1, line 18, of the Introduced bill, after "AMENDED:" delete "11-15-3. "

On page 1, line 18, of the Introduced bill, after "11-15-3. " delete "The authority shall distribute monies moneys from the South Dakota housing infrastructure fund, created in § 11-15-2, as follows:

(1) Thirty Fifty percent for housing infrastructure in municipalities having a population of fifty thousand or more; and

(2) Seventy Fifty percent for housing infrastructure in all other areas of the state.

The authority may not provide both a grant and a loan from the South Dakota housing infrastructure fund for the same housing infrastructure project located in a municipality having a population of fifty thousand or more."

And that as so amended, **SB 204** do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 193**; and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration **SB 226**; which was deferred to the 41st Legislative Day.

Respectfully submitted,
Casey Crabtree, Chair

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 63, 67, 68, and 117** were delivered to his Excellency, the Governor, for his approval at 1:20 p.m., February 19, 2026.

Respectfully submitted,
Chris Karr, Chair

1

MESSAGES FROM THE HOUSE

2

MR. PRESIDENT:

3

I have the honor to inform your honorable body that **SJR 503** was lost for failure to be placed on the House calendar.

4

5

Also MR. PRESIDENT:

6

I have the honor to transmit herewith **HB 1041, 1108, 1162, 1253, and 1286** which have passed the House and your favorable consideration is respectfully requested.

7

8

Also MR. PRESIDENT:

9

I have the honor to transmit herewith **HCR 6015** which has been adopted by the House and your concurrence is respectfully requested.

10

11

12

Respectfully,
Patricia Miller, Chief Clerk

13

MOTIONS AND RESOLUTIONS

14

Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, February 20, 2026, the 25th legislative day.

15

16

Which motion prevailed.

17

Sen. Karr moved that **SB 135** be deferred to Friday, February 20, 2026, the 25th legislative day.

18

19

Which motion prevailed.

20

Sen. Karr moved that **SB 126** be referred from the Senate Committee on Appropriations to the Senate floor.

21

22

Which motion prevailed.

23

HCR 6015: A CONCURRENT RESOLUTION encouraging the Executive Board of the Legislative Research Council to form an interim legislative committee to study the role and function of county boards of mental illness.

24

25

26

Was read the first time.

27

HCR 6011: A CONCURRENT RESOLUTION encouraging the Executive Board of the Legislative Research Council to form an interim Neurohealth Safety Committee to study and assess the regulatory framework under which vapor product retail establishments operate.

28

29

30

Was read the second time.

1 Sen. Voita moved that the Senate do concur in **HCR 6011** as found on page 295 of Senate
2 Journal.

3 The question being on Sen. Voita's motion that **HCR 6011** be concurred in.

4 And the roll being called:

5 Yeas 5, Nays 29, Excused 1, Absent 0

6 Yeas: Blanc, Carley, Foster, Grove, and Nelson

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

10 Excused: Beal

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

13 **CONSIDERATION OF REPORTS OF COMMITTEES**

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

15 Health and Human Services on **SB 87** as found on page 291 of the Senate Journal; also

16 Transportation on **SB 219** as found on page 293 of the Senate Journal; also

17 Local Government on **SB 236** as found on page 290 of the Senate Journal; also

18 Local Government on **SB 237** as found on page 291 of the Senate Journal; also

19 State Affairs on **SB 110** as found on page 288 of the Senate Journal; and

20 State Affairs on **SB 175** as found on page 289 of the Senate Journal be adopted.

21 Which motion prevailed and the reports were adopted.

22 Sen. Carley moved that **SB 175** be placed to follow **SB 218** on today's calendar, pursuant to
23 JR 6F-6.

24 The question being on Sen. Carley's motion that **SB 175** be placed to follow **SB 218** on today's
25 calendar, pursuant to JR 6F-6.

26 And the roll being called:

27 Yeas 28, Nays 6, Excused 1, Absent 0

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

1 Nays: Deibert, Foster, Kolbeck (Steve), Larson, Mehlhaff, and Smith

2 Excused: Beal

3 So the motion having received an affirmative vote of a majority of the members-elect, the
4 President declared the motion prevailed and **SB 175** was so placed.

5 Sen. Rohl moved that **SB 110** be placed on the calendar of Friday, February 20, 2026, the
6 25th legislative day, pursuant to JR 6F-6.

7 The question being on Sen. Rohl's motion that **SB 110** be placed on the calendar of Friday,
8 February 20, 2026, the 25th legislative day, pursuant to JR 6F-6.

9 And the roll being called:

10 Yeas 25, Nays 9, Excused 1, Absent 0

11 Yeas: Blanc, Carley, Davis, Deibert, Foster, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka,
12 Larson, Marty, Miskimins, Nelson, Peterson (Sue), Pischke, Rohl, Sauder, Schoenfish, Vilhauer,
13 Voight, Voita, Wipf, and Zikmund

14 Nays: Crabtree, Duhamel, Hulse, Kolbeck (Steve), Mehlhaff, Otten, Perry, Reed, and Smith

15 Excused: Beal

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 President declared the motion prevailed and **SB 110** was so placed.

18 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

19 **HB 1041:** FOR AN ACT ENTITLED, An Act to authorize the expansion and renovation of the
20 Sturgis Readiness Center, to make an appropriation therefor, and to declare an emergency.

21 **HB 1108:** FOR AN ACT ENTITLED, An Act to require the sealing of court files upon dismissal
22 or denial of a petition for a protection order.

23 **HB 1162:** FOR AN ACT ENTITLED, An Act to add certain substances to Schedule I of the
24 controlled substances schedule.

25 **HB 1253:** FOR AN ACT ENTITLED, An Act to adjust the assessment methodology for owner-
26 occupied single-family dwellings and nonagricultural property by considering previous years'
27 assessed values.

28 **HB 1286:** FOR AN ACT ENTITLED, An Act to amend the process by which moneys are
29 distributed from the employer's investment in South Dakota's future fund.

30 Were read the first time.

31 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

32 **SB 150:** FOR AN ACT ENTITLED, An Act to exempt one motor vehicle of a debtor from being
33 taken by legal process.

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

1 The question being "Shall **SB 150** pass as amended?"

2 And the roll being called:

3 Yeas 15, Nays 19, Excused 1, Absent 0

4 Yeas: Crabtree, Deibert, Duhamel, Foster, Hohn, Kolbeck (Steve), Larson, Mehlhaff, Miskimins,
5 Peterson (Sue), Pischke, Rohl, Sauder, Schoenfish, and Smith

6 Nays: Blanc, Carley, Davis, Grove, Howard, Hulse, Jensen (Kevin), Karr, Lapka, Marty, Nelson,
7 Otten, Perry, Reed, Vilhauer, Voight, Voita, Wipf, and Zikmund

8 Excused: Beal

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

11 **SB 208:** FOR AN ACT ENTITLED, An Act to require the award of certain disbursements to
12 prevailing owners and taxpayers in appeals of property classifications or assessments.

13 Was read the second time.

14 Sen. Hulse moved that **SB 208** be amended as follows:

15 208D

16 On page 1, line 5, of the Senate Judiciary Engrossed bill, delete "The " and insert "If an
17 aggrieved owner or taxpayer does not prevail in an action relative to the classification or amount of
18 assessment of property, brought to circuit court pursuant to this chapter, the "

19 On page 1, line 5, of the Senate Judiciary Engrossed bill, delete " may" and insert " must"

20 On page 1, line 6, of the Senate Judiciary Engrossed bill, delete " in an action brought to circuit
21 court pursuant to this chapter by any appellant relative to the classification or amount of assessment
22 of property, if the appellant does not prevail in its the appeal of the property classification or amount
23 of assessment" and insert " to the county"

24 On page 1, line 13, of the Senate Judiciary Engrossed bill, after "taxpayer." insert "

25 If an aggrieved owner or taxpayer obtains an assessment resulting in a reduction of the
26 appealed assessment by less than twenty percent, the court may award disbursements and
27 reasonable attorney fees to the owner or taxpayer."

28 On page 1, line 19, of the Senate Judiciary Engrossed bill, delete "May " and insert "Must "

29 On page 1, line 19, of the Senate Judiciary Engrossed bill, after "fees," insert " to the county,"

30 On page 1, line 19, of the Senate Judiciary Engrossed bill, delete " appellant" and insert "
31 aggrieved owner or taxpayer"

32 On page 1, line 22, of the Senate Judiciary Engrossed bill, after "assessment;" delete " or"

33 On page 1, line 23, of the Senate Judiciary Engrossed bill, delete " appellant" and insert "
34 aggrieved owner or taxpayer"

35 On page 1, line 25, of the Senate Judiciary Engrossed bill, after "percent" insert "; or

(3) May award disbursements, including reasonable attorney fees, to an aggrieved owner or taxpayer that obtains an assessment resulting in a reduction of the appealed assessment by less than twenty percent"

On page 2, after line 2, of the Senate Judiciary Engrossed bill, insert: "

Section 3. That a NEW SECTION be added to chapter 10-11:

Disbursements may not be awarded to an aggrieved owner or taxpayer pursuant to § 10-11-45.1 or 10-11-78 if the incorrect classification or property assessment value was a result of the aggrieved owner or taxpayer hindering the ability of the director of equalization to properly assess the property."

Sen. Peterson (Sue) requested a roll call vote.

Which request was supported.

The question being on Sen. Hulse's motion that **SB 208** be amended.

And the roll being called:

Yeas 19, Nays 15, Excused 1, Absent 0

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

Nays: Blanc, Carley, Grove, Hohn, Howard, Jensen (Kevin), Karr, Lapka, Marty, Otten, Peterson (Sue), Pischke, Voight, Voita, and Zikmund

Excused: Beal

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

Sen. Peterson (Sue) moved that **SB 208** be amended as follows:

208F

On the previously adopted amendment (208D), On page 2, line 12, after "section." delete "Section 3. That a NEW SECTION be added to chapter 10-11:

"

On the previously adopted amendment (208D), On page 2, line 13, after "10-11:" delete "Disbursements may not be awarded to an aggrieved owner or taxpayer pursuant to § 10-11-45. 1 or 10-11-78 if the incorrect classification or property assessment value was a result of the aggrieved owner or taxpayer hindering the ability of the director of equalization to properly assess the property."

Sen. Reed requested that JR 5-17 be invoked on **SB 208**.

Which request was supported and **SB 208** with Sen. Peterson (Sue)'s pending motion to amend was deferred until Friday, February 20, 2026, the 25th legislative day.

1 **SB 218:** FOR AN ACT ENTITLED, An Act to provide for the establishment of charter schools.

2 Was read the second time.

3 Sen. Nelson moved that **SB 218** be amended as follows:

4 218C

5 On page 4, line 18, of the Senate Education Engrossed bill, after "Understandings." delete "If
6 multiple applications are submitted to an authorizing entity to establish a charter school that is not
7 to be located within a tribal reservation, the authorizing entity may give priority consideration to
8 the application for a charter school that proposes to serve students in accordance with the Oceti
9 Sakowin Essential Understandings or based on the students' poverty status, special education
10 status, or English learner status.

11 "

12 On page 4, line 28, of the Senate Education Engrossed bill, after "Understandings" delete " or
13 based on the students' poverty status, special education status, or English learner status"

14 On page 14, line 18, of the Senate Education Engrossed bill, after "Act." insert " If the
15 authorizing entity is the Department of Education, the department must forward the administrative
16 fee to the state treasurer for deposit in the charter school administrative fund, established pursuant
17 to section 30 of this Act."

18 On page 16, after line 6, of the Senate Education Engrossed bill, insert: "

19 **Section 30. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

20 There is created in the state treasury the charter school administration fund. The Department
21 of Education shall administer the fund. The purpose of the fund is to fulfill obligations associated
22 with authorizing a charter school pursuant to this chapter. Interest on moneys credited to the fund
23 must remain in the fund. Moneys deposited in the fund must be appropriated in the general
24 appropriation bill."

25 Which motion prevailed.

26 The question being "Shall **SB 218** pass as amended?"

27 And the roll being called:

28 Yeas 17, Nays 17, Excused 1, Absent 0

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

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

33 Excused: Beal

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

1 Sen. Nelson announced her intention to reconsider the vote by which **SB 218** lost.

2 **SB 175:** FOR AN ACT ENTITLED, An Act to require that an individual provide proof of citizenship
3 when registering to vote and to declare an emergency.

4 Was read the second time.

5 Sen. Carley moved that **SB 175** be amended as follows:

6 175D

7 On page 2, line 14, of the Senate State Affairs Engrossed bill, after "of" delete " another county
8 of"

9 Which motion prevailed.

10 The question being "Shall **SB 175** pass as amended?"

11 And the roll being called:

12 Yeas 28, Nays 6, Excused 1, Absent 0

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

16 Nays: Deibert, Foster, Grove, Kolbeck (Steve), Larson, and Smith

17 Excused: Beal

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

20 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21 **HB 1018:** FOR AN ACT ENTITLED, An Act to amend the reversion date for moneys
22 appropriated to the Department of Education to improve and renovate the Cultural Heritage Center.

23 Was read the second time.

24 The question being "Shall **HB 1018** pass?"

25 And the roll being called:

26 Yeas 34, Nays 0, Excused 1, Absent 0

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

31 Excused: Beal

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

HB 1227: FOR AN ACT ENTITLED, An Act to increase the annual fee required of an owner of an electric motor vehicle.

Was read the second time.

The question being "Shall **HB 1227** pass as amended?"

And the roll being called:

Yeas 24, Nays 10, Excused 1, Absent 0

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

Nays: Blanc, Carley, Foster, Grove, Howard, Marty, Nelson, Peterson (Sue), Pischke, and Voita

Excused: Beal

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

SIGNING OF BILLS

The President publicly read the title to

HB 1020: FOR AN ACT ENTITLED, An Act to increase the maximum amount allowable for the livestock ownership inspection fee and to declare an emergency.

And signed the same in the presence of the Senate.

Sen. Sauder moved that the Senate do now adjourn, which motion prevailed and at 3:52 p.m. the Senate adjourned.

Peggy Laurenz, Secretary