JOURNAL OF THE HOUSE

ONE HUNDRED FIRST SESSION

TWENTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Monday, February 23, 2026

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Sam Handschke, followed by the Pledge of Allegiance led by House page Ava Davis.

Roll Call: All members present except Reps. Aylward, Bathke, and Soye who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 25th 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,
Jon Hansen, Chair

Which motion prevailed.

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

The oath of office was administered by Speaker Hansen to the following named pages:

Ava Davis, Macey Duffy, Ethan Estabrook, Danica Euliss, Cooper Falkenhagen, Jennica Koistinen, Raquel Mitzel, Konner Nuzum, Isla Rohde, Lily Sortland, Veronica Thomas, Derek Thompson, James Wangsness.

Which was subscribed to and placed on file in the office of the Secretary of State.

COMMUNICATIONS AND PETITIONS

February 23, 2026

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 23, 2026, I approved House Bills 1020, 1030, 1034, and 1080, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Larry Rhoden
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1003, 1019, 1035, and 1201** were delivered to his Excellency, the Governor, for his approval at 11:23 a.m., February 23, 2026.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1012, 1013, 1014, 1022, and 1111** and finds the same correctly enrolled.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1225** which was tabled.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1257** and returns the same with the recommendation that said bill be amended as follows:

1257D

On page 1, line 1, of the Introduced bill, delete "regulate the performance and reporting of abortions necessary to preserve the life of a pregnant female and to provide a penalty therefor" and insert " amend the definition of an abortion"

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That chapter 22-17 be amended with a NEW SECTION:

"

On page 1, line 5, of the Introduced bill, after "SECTION:" delete "Terms used in this chapter mean:

(1) "Abortion," the act of administering, prescribing, providing, selling, or using any drug, medicine, or other substance, or providing, selling, or using any device or instrument, with the intent to terminate a clinically diagnosable pregnancy, including the elimination of one or more unborn children in a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child, provided the term does not include:

(a) Medical treatment that is provided to a pregnant female and results in the accidental or unintentional death of the unborn child;

(b) Treatment to resolve a miscarriage;

(c) The treatment or removal of an ectopic pregnancy;

(d) The removal from the uterus of a deceased unborn child; or

(e) Any medical procedure performed for the purpose of saving the life or preserving the health of the unborn child;

(2) "Ectopic pregnancy," the implantation of an embryo outside the uterus, in an abnormal location in the uterus, or in a scarred portion of the uterus;

(3) "Miscarriage," the spontaneous loss of a pregnancy, including the circumstances of an inevitable miscarriage, an incomplete miscarriage, a missed miscarriage, and a septic miscarriage;

(4) "Pregnant", the human female reproductive condition of having a living unborn child within the female's body, throughout every stage of the unborn child's life and development, from fertilization to full gestation and childbirth;

(5) "Reasonable medical judgment," a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical condition involved; and

(6) "Unborn child," an individual organism of the species homo sapiens from fertilization until live birth."

On page 2, line 7, of the Introduced bill, remove the overstrikes from "administers to any pregnant female or who prescribes or procures for any pregnant female any medicine, drug, or substance or uses or employs any instrument or other means with intent thereby to procure"

On page 2, line 9, of the Introduced bill, after "procure" delete " commits"

On page 2, line 9, of the Introduced bill, delete " is guilty of a Class 6 felony" and insert ", as defined in § 34-23A-1"

On page 2, line 10, of the Introduced bill, remove the overstrikes from "there is appropriate and"

On page 2, line 10, of the Introduced bill, after "and" delete " in the"

On page 2, line 11, of the Introduced bill, remove the overstrikes from " that performance"

On page 2, line 11, of the Introduced bill, after "an" delete " attending physician an"

On page 2, line 12, of the Introduced bill, remove the overstrikes from ", is guilty of a Class 6 felony"

On page 2, line 13, of the Introduced bill, after "felony." delete "Section 3. That a NEW SECTION be added to chapter 22-17:

"

On page 2, line 14, of the Introduced bill, after "22-17:" delete "For an abortion to be justified as necessary to preserve the life of a pregnant female, as set forth in § 22-17-5. 1, the attending physician, exercising reasonable medical judgment, must determine that the female suffers from a physical disorder, physical illness, or physical injury, including a life-endangering physical condition arising from the pregnancy itself, and that the disorder, illness, or injury places the pregnant female at a reasonably foreseeable risk of death, unless an abortion is performed. Nothing in this section requires that the risk of death be imminent.

The attending physician, exercising reasonable medical judgement, shall make reasonable efforts, under the circumstances, to preserve both the life of the pregnant female and the life of her unborn child, unless in reasonable medical judgment, the termination of the pregnancy in that manner would pose a greater risk of death of the pregnant female.

An abortion justified under this section must take place at a hospital licensed pursuant to chapter 34-12, unless, due to a medical emergency, it is necessary to perform the abortion in another location. The person performing or inducing the abortion must be a licensed physician.

The physician performing or inducing the abortion shall report the abortion to the Department of Health in accordance with the requirements set forth in chapter 34-23A.

An abortion may not be construed as necessary to preserve the life of the pregnant female if:

(1) The abortion is based on the physician's belief that the female may or will take action to harm herself; or

(2) The abortion is based on a claim or diagnosis that relates to a psychological or emotional condition of the pregnant female."

On page 3, line 5, of the Introduced bill, after "female." delete "Section 4. That § 22-17-6 be AMENDED:

"

On page 3, line 6, of the Introduced bill, after "AMENDED:" delete "22-17-6. "

On page 3, line 6, of the Introduced bill, after "22-17-6. " delete "Any person who intentionally kills a human fetus an unborn child by causing an injury to its the child's mother, which is not authorized by chapter 34-23A, is guilty of a Class 4 felony."

On page 3, line 9, of the Introduced bill, after "felony." delete "Section 5. That § 22-17-13 be AMENDED:

"

On page 3, line 10, of the Introduced bill, after "AMENDED:" delete "22-17-13. "

On page 3, line 10, of the Introduced bill, after "22-17-13. " delete "A person is guilty of a Class B felony if, with the intent to cause a pregnant mother to undergo an abortion against her will, the person:

(1) Threatens With the intent to cause a pregnant mother to undergo an abortion against her will, the person threatens to commit, against the pregnant mother or any other person within the pregnant mother's presence:

(a) Homicide, murder, or manslaughter, under chapter 22-16;

(b) Aggravated assault, under § 22-18-1. 1; or

(c) Kidnapping, under chapter 22-19; and

(2) The threat, as described in subdivision (1) of this section, results in the death of the unborn human being, as defined under § 34-23A-1 child.

A charge brought under this section may be commenced at any time prior to the time the victim attains age twenty-five or within seven years of the commission of the crime, whichever is longer."

On page 3, line 25, of the Introduced bill, remove the overstrikes from "intentional termination of the life of a human being in the uterus"

On page 3, line 25, of the Introduced bill, after "uterus" delete " act of administering, prescribing, providing, selling, or using any drug, medicine, or other substance, or providing, selling, or using any device or instrument, with the intent to terminate the clinically diagnosable pregnancy, including the elimination of one or more unborn children in a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child"

On page 4, line 10, of the Introduced bill, after "Health;" delete "(1C) "Ectopic pregnancy," the implantation of an embryo outside the uterus, in an abnormal location in the uterus, or in a scarred portion of the uterus;

"

On page 4, line 24, of the Introduced bill, after "pregnancy" delete ", including the circumstances of an inevitable miscarriage, an incomplete miscarriage, a missed miscarriage, and a septic miscarriage"

On page 4, line 32, of the Introduced bill, delete "(9) "Pregnant", the human female reproductive condition of having a living unborn child within the female's body, throughout every stage of the unborn child's life and development, from fertilization to full gestation and childbirth;" and insert " and"

On page 5, line 1, of the Introduced bill, delete "(10)" and insert "(9)"

On page 5, line 3, of the Introduced bill, after "performed" delete the semicolon

On page 5, line 4, of the Introduced bill, after "performed;" delete "(11) "Reasonable medical judgment," a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical condition involved; and

(12) "Unborn child," an individual organism of the species homo sapiens from fertilization until live birth"

On page 5, line 9, of the Introduced bill, after "birth." delete "Section 7. That a NEW SECTION be added to chapter 34-23A:

"

On page 5, line 10, of the Introduced bill, after "34-23A:" delete "A physician who performs or induces an abortion for the purpose of preserving the life of a pregnant female, as set forth in § 22-17-5. 1 and section 3 of this Act, shall prepare a document:

(1) Attesting that the abortion was necessitated by the pregnant female's medical condition;

(2) Setting forth the data supporting the determination that the procedure was necessary; and

(3) Attesting that all reasonable efforts were made to preserve both the life of the pregnant female and the life of her unborn child, as set forth in section 3 of this Act.

The document required under this section must be placed in the medical record of the female patient no later than thirty days after the date of the procedure or after the date on which the abortion-inducing drug, medicine, or substance was prescribed for or provided to the pregnant female."

And that as so amended, **HB 1257** do pass.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1302 and 1303, and SB 30 and 31** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Scott Odenbach, Chair

MR. SPEAKER:

The Committee on House Commerce and Energy respectfully reports that it has had under consideration **SB 25 and 205** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Karla J. Lems, Chair

MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **HB 1098, 1123, 1168, 1251, and 1259** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **HB 1082** and returns the same with the recommendation that said bill be amended as follows:

1082B

On page 1, line 8, of the Introduced bill, after "meals." delete "If a student is eligible for reduced-price meals through the National School Lunch Program, 42 U. S. C. § 1751, et seq. (January 1, 2026), or the School Breakfast Program, 42 U. S. C. § 1773 (January 1, 2026), the board of a school district may not impose a charge upon the student for any meals served through the National School Lunch Program or the School Breakfast program, provided by the school district's food services program.

"

On page 1, line 16, of the Introduced bill, after "Program" insert ", 42 U. S. C. § 1751, et seq. (January 1, 2026),"

On page 1, line 16, of the Introduced bill, after "Program" insert ", (January 1, 2026)"

On page 1, line 18, of the Introduced bill, after "with" delete " this"

On page 1, line 18, of the Introduced bill, after "section" insert " 2 of this Act"

On page 1, line 19, of the Introduced bill, after "section." delete "The Department of Education shall, with moneys appropriated in the general appropriation bill, reimburse each school district for costs incurred by the district in providing meals to students who are eligible for reduced-price meals in accordance with this section, less any amount reimbursed through the National School Lunch Program or the School Breakfast Program."

On page 1, after line 23, of the Introduced bill, insert: "

Section 2. That a NEW SECTION be added to chapter 13-35:

If a student is eligible for reduced-price meals through the National School Lunch Program, 42 U.S.C. § 1751, et seq. (January 1, 2026), or the School Breakfast Program, 42 U.S.C. § 1773 (January 1, 2026), the board of a school district may not impose a charge upon the student for any meals served by the district through the National School Lunch Program or the School Breakfast Program."

On page 1, after line 23, of the Introduced bill, insert: "

Section 3. That a NEW SECTION be added to chapter 13-35:

On or before June thirtieth of each year, the department shall, based on information forwarded by each school district, calculate the amount to be reimbursed by the department for the cost of meals served to students who may not be charged, pursuant to section 2 of this Act. The department shall:

(1) Subtract the amount to be reimbursed to the district for each meal served to a student eligible for reduced-price meals through the National School Lunch Program, 42 U.S.C. § 1751, et seq. (January 1, 2026), or the School Breakfast Program, 42 U.S.C. § 1773 (January 1, 2026), from the amount reimbursed to the district for a meal served to a student eligible for free meals through either program; and

(2) Multiply the difference of subdivision (1) by the number of meals served to students who may not be charged, pursuant to section 2 of this Act.

The Department of Education shall, with moneys appropriated in the general appropriation bill, reimburse each school district in accordance with this section."

And that as so amended, **HB 1082** do pass.

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **HB 1113** and returns the same with the recommendation that said bill be amended as follows:

1113B

On page 1, line 21, of the Introduced bill, after "§ 34-34A-1.1" delete ", or a mobile home, as defined in § 32-3-1"

And that as so amended, **HB 1113** do pass.

Also MR. SPEAKER:

The House Committee on Appropriations respectfully reports that it has had under consideration **HB 1134, 1135, 1136, and 1279** and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Mike Derby, Chair

MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1067, 1270, and 1305** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1298** and returns the same with the recommendation that said bill be amended as follows:

1298A

On page 1, line 8, of the Introduced bill, delete ":

(a) Place" and insert " place"

On page 1, line 9, of the Introduced bill, after "officer" insert " or the officer's immediate family"

On page 1, line 9, of the Introduced bill, after "injury" delete "; or

(b) Cause the officer to reasonably fear for the officer's safety or the safety of the officer's immediate family"

And that as so amended, **HB 1298** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1322** which was tabled.

Respectfully submitted,
Mike Stevens, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith **HB 1012, 1013, 1014, 1022, and 1111** which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to return herewith **HB 1062** which has been amended by the Senate and your concurrence in the amendments is respectfully requested.

Also MR. SPEAKER:

I have the honor to transmit herewith **SB 87, 110, 135, 208, 236, and 237** which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Peggy Laurenz, Secretary

MOTIONS AND RESOLUTIONS

Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Tuesday, February 24, 2026, the 27th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Odenbach moved that the reports of the Standing Committees on

Judiciary on **HB 1140** as found on page 383 of the House Journal; also

Judiciary on **HB 1300** as found on page 384 of the House Journal; also

State Affairs on **HB 1161** as found on page 378 of the House Journal; also

State Affairs on **HB 1184** as found on page 379 of the House Journal; also

State Affairs on and **HB 1274** as found on page 380 of the House Journal; also

House Appropriations on **HB 1249** as found on page 382 of the House Journal; and

Military and Veterans Affairs on **HB 1280** as found on page 377 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

Rep. Goodwin moved that **HB 1160** be placed on today's calendar pursuant to JR 6F-6.

The question being on Rep. Goodwin's motion that **HB 1160** be placed on today's calendar pursuant to JR 6F-6.

And the roll being called:

Yeas 40, Nays 27, Excused 3, Absent 0

Yeas: Arlint, Bahmuller, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Goodwin, Greenfield, Halverson, Healy, Heermann, Jamison, Kull, Ladner, Massie, Moore, Mortenson, Muckey, Mulally, Mulder, Odenbach, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

Nays: Andera, Auch, Baxter, Garcia, Gosch, Heinemann, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Lems, Manhart, May, Nolz, Novstrup, Randolph, Rice, Schaefbauer, Schwans, Shubeck, Sjaarda, and Speaker Hansen

Excused: Aylward, Bathke, and Soye

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and **HB 1160** was so placed.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1046: FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to demolish the Pierre Minimum Center, to make an appropriation therefor, and to declare an emergency.

Was read the second time.

The question being "Shall **HB 1046** pass?"

And the roll being called:

Yeas 57, Nays 10, Excused 3, Absent 0

Yeas: Andera, Arlint, Bahmuller, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Massie, May, Moore, Mortenson, Muckey, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe, Schaefbauer, Schwans, Shorma, Shubeck, Sjaarda, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

Nays: Auch, Baxter, Hunt, Ismay, Jensen (Phil), Jordan, Manhart, Mulally, Randolph, and Rice

Excused: Aylward, Bathke, and Soye

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

HB 1308: FOR AN ACT ENTITLED, An Act to reduce certain property taxes for owner-occupied property, and to increase the rates for certain gross receipts taxes and use taxes.

Was read the second time.

Rep. Czmowski moved that **HB 1308** be amended as follows:

1308B

On page 1, line 1, of the Introduced bill, after "property," delete " and"

On page 1, line 2, of the Introduced bill, after "taxes" insert ", and to reduce the sales and use tax rates on food to zero percent"

On page 1, line 5, of the Introduced bill, delete " 3" and insert " 4"

On page 1, line 5, of the Introduced bill, delete "18" and insert " 11"

On page 1, line 5, of the Introduced bill, after "inclusive," insert " sections 14 to 19, inclusive,"

On page 1, line 5, of the Introduced bill, delete " section 24" and insert " sections 21 and 22,"

On page 1, line 6, of the Introduced bill, delete " a mill levy of zero" and insert " reducing the mill levy from two-dollars and fifty-one and eight-tenths cents on school districts' general education levies and from reducing the mill levy from one dollar and forty-six and two-tenths cents on school districts' special education levies,"

On page 1, line 7, of the Introduced bill, after "dwellings" delete " for school district general funds and school district special education funds"

On page 2, line 5, of the Introduced bill, delete " zero dollars" and insert " one dollar"

On page 2, line 6, of the Introduced bill, delete " zero" and insert " thirty and nine-tenths"

On page 2, line 15, of the Introduced bill, after "section" delete " for taxes payable in 2026"

On page 2, after line 17, of the Introduced bill, insert: "

Section 3. That § 10-45-1 be AMENDED:

10-45-1. Terms used in this chapter mean:

(1) "Agricultural purposes," the producing, raising, growing, or harvesting of food or fiber upon agricultural land, including dairy products, livestock, and crops. The services of custom harvesters, chemical applicators, fertilizer spreaders, hay grinders, and cultivators are considered agricultural purposes. The harvesting of timber on land within the state is considered an agricultural purpose;

(2) "Business," any activity engaged in by any person or caused to be engaged in by such person with the object of gain, benefit, or advantage, either direct or indirect;

(3) "Candy," any preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. The term, candy, does not include any preparation containing flour and does not require refrigeration;

(4) "Delivery charges," charges by the retailer for preparation and delivery to a location designated by the purchaser of tangible personal property, any product transferred electronically, or services including transportation, shipping, postage, handling, crating, and packing. The term does not include postage for direct mail;

(5) "Food" and "food ingredient," any substance, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that is sold for ingestion or chewing by humans and is consumed for its taste or nutritional value. The term, food, does not include ~~alcoholic beverages, tobacco, or prepared food~~:

(a) Alcoholic beverages, as defined in § 35-1-1;

(b) Cannabis or cannabis products, as defined in § 34-20G-1;

(c) Cigarettes, as defined in § 10-50B-4;

(d) Prepared food; or

(e) Tobacco products, as defined in § 10-50-1;

(6) Repealed by SL 2007, ch 56, § 1.

(7) "Person," any individual, firm, copartnership, joint adventure, association, limited liability company, corporation, municipal corporation, estate, trust, business trust, receiver, the State of South Dakota and its political subdivisions, or any group or combination acting as a unit;

(8) "Prepared food," any food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

Prepared food does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in chapter 3, part 401.11 of its Food Code as of January 1, 2003, so as to prevent food borne illnesses;

(8A) "Product transferred electronically," any product obtained by the purchaser by means other than tangible storage media. A product transferred electronically does not include any intangible such as a patent, stock, bond, goodwill, trademark, franchise, or copyright.

(9) "Relief agency," the state, and county, municipality or district thereof, or any agency engaged in actual relief work;

(10) "Retail sale" or "sale at retail," any sale, lease, or rental for any purpose other than for resale, sublease, or subrent;

(11) "Retailer," any person engaged in the business of selling tangible goods, wares, or merchandise at retail, or the furnishing of gas, electricity, water, and communication service, and tickets or admissions to places of amusement and athletic events as provided in this chapter, and the sale at retail of products transferred electronically. The term also includes any person subject to the tax imposed by §§ 10-45-4 and 10-45-5. The isolated or occasional sale of tangible personal property or any product transferred electronically at retail by a person who does not hold himself or herself out as engaging in the business of selling such tangible personal property or products transferred electronically at retail does not constitute such person a retailer;

(12) "Sale," any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;

(13) "Soft drinks," any nonalcoholic beverages that contain natural or artificial sweeteners. The term, soft drinks, does not include any beverage that contains milk or milk products, soy, rice of similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume;

(14) "Tangible personal property," personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. The term includes electricity, water, gas, steam, and prewritten computer software."

On page 2, line 20, of the Introduced bill, after "percent" insert " a tax of five percent"

On page 2, line 22, of the Introduced bill, after "users" delete ", at the following tax rate:

(1) Beginning July 1, 2026, until June 30, 2027, four and seven-tenths percent; and

(2) Beginning July 1, 2027, five percent"

On page 5, after line 22, of the Introduced bill, insert: "

Section 12. That a NEW SECTION be added to chapter 10-45:

The rate imposed by this chapter upon the gross receipts of all sales of food and food ingredients, as defined by § 10-45-1, is zero percent."

On page 5, after line 22, of the Introduced bill, insert: "

Section 13. That § 10-46-1 be AMENDED:

10-46-1. Terms, as used in this chapter mean:

(1) "Business," any activity engaged in by any person or caused to be engaged in by such person with the object of gain, benefit or advantage either direct or indirect;

(2) "Candy," any preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. The term, candy, does not include any preparation containing flour and does not require refrigeration;

(3) "Delivery charges," charges by the retailer for preparation and delivery to a location designated by the purchaser of tangible personal property, any product transferred electronically, or services including transportation, shipping, postage, handling, crating, and packing. The term does not include postage for direct mail;

(4) "Fair market value," the price at which a willing seller and willing buyer will trade. Fair market value shall be determined at the time of purchase. If a public corporation is supplying tangible personal property or any product transferred electronically that will be used in the performance of a contract, fair market value shall be determined pursuant to § 5-18B-7. This definition also applies to chapter 10-45;

(5) "Food" and "food ingredient," any substance, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that is sold for ingestion or chewing by humans and is consumed for its taste or nutritional value. The term, food, does not include ~~alcoholic beverages, tobacco, or prepared food;~~:

(a) Alcoholic beverages, as defined in § 35-1-1;

(b) Cannabis or cannabis products, as defined in § 34-20G-1;

(c) Cigarettes, as defined in § 10-50B-4;

(d) Prepared food; or

(e) Tobacco products, as defined in § 10-50-1;

(6) "Included in the measure of tax," the tangible personal property, any product transferred electronically, or the service was purchased from a retailer licensed under chapter 10-45 and that retailer has included the tax in the amount received from the sale;

(7) "In this state" or "in the state," within the exterior limits of the State of South Dakota and includes all territory within such limits owned by or ceded to the United States of America;

(8) "Prepared food," any food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

Prepared food does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in chapter 3, part 401.11 of its Food Code as of January 1, 2003, so as to prevent food borne illnesses;

(8A) "Product transferred electronically," any product obtained by the purchaser by means other than tangible storage media. A product transferred electronically does not include any intangible such as a patent, stock, bond, goodwill, trademark, franchise, or copyright.

(9) "Purchase," any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration. A transaction, whereby the possession of property is transferred but the seller retains the title as security for the payment of the price, is a purchase;

(10) "Purchase price," shall have the same meaning as gross receipts defined in chapter 10-45;

(11) "Retailer," any person performing services in this state or engaged in the business of selling tangible personal property or products transferred electronically for use, storage or other consumption within the meaning of this chapter. However, if in the opinion of the secretary of revenue, it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, truckers, peddlers, or canvassers as agents of the dealers, distributors, supervisors, employers, or persons under whom they operate or from whom they obtain the tangible personal property or any product transferred electronically sold by them irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the secretary of revenue may so regard them and may regard the dealers, distributors, supervisors, employers, or persons as retailers for purposes of this chapter;

(12) "Retailer maintaining a place of business in the state," any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any agents operating within the state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent is located here permanently or temporarily or whether such retailer or subsidiary is admitted to do business within this state pursuant to the laws of the State of South Dakota granting the rights of foreign corporations to do business in this state;

(13) "Secretary," the secretary of the Department of Revenue or any duly authorized and appointed assistant, deputies, or agents of the secretary charged with the administration or enforcement of this chapter;

(14) "Soft drinks," any nonalcoholic beverages that contain natural or artificial sweeteners. The term, soft drinks, does not include any beverage that contains milk or milk products, soy, rice of similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume;

(15) "Storage," any keeping or retention in this state for use or other consumption in the State of South Dakota for any purpose except sale in the regular course of business;

(16) "Tangible personal property," personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses if furnished or delivered to consumers or users within this state. The term includes electricity, water, gas, steam, and prewritten computer software;

(17) "Use," the exercise of right or power over tangible personal property or any product transferred electronically incidental to the ownership of that property, except that it does not include the sale of that property in the regular course of business. Use also includes the use of the types of services, the gross receipts from the sale of which are to be included in the measure of the tax imposed by chapter 10-45, and the delivery or causing delivery into this state of tangible personal property or any product transferred electronically intended to advertise any product or service or promote or facilitate any sale to South Dakota residents."

On page 5, line 26, of the Introduced bill, after "of" insert " of five percent"

On page 5, line 27, of the Introduced bill, after "rendered" delete ", at the following tax rate:

(1) Beginning July 1, 2026, until June 30, 2027, four and seven-tenths percent; and

(2) Beginning July 1, 2027, five percent"

On page 7, after line 22, of the Introduced bill, insert: "

Section 20. That a NEW SECTION be added to chapter 10-46:

The rate of tax imposed by this chapter upon the use, storage, or consumption in this state of food and food ingredients is zero percent."

On page 7, line 24, of the Introduced bill, after "percent" insert " of five percent"

On page 7, line 26, of the Introduced bill, after "purposes" delete ", at the following tax rate:

(1) Beginning July 1, 2026, until June 30, 2027, four and seven-tenths percent; and

(2) Beginning July 1, 2027, five percent"

On page 8, line 3, of the Introduced bill, after "of" insert " of five percent"

On page 8, line 4, of the Introduced bill, after "device" delete ", at the following tax rate:

(1) Beginning July 1, 2026, until June 30, 2027, four and seven-tenths percent; and

(2) Beginning July 1, 2027, five percent"

On page 8, line 12, of the Introduced bill, delete " subdivisions" and insert " §"

On page 8, line 13, of the Introduced bill, after "10-12-42" delete "(1) and (2)"

On page 9, line 10, of the Introduced bill, after "property" insert " and may levy no more than sixty-five and six-tenths cents per thousand dollars of taxable valuation of property classified for purposes of taxation as owner-occupied single-family dwellings"

On page 9, line 12, of the Introduced bill, after "district" delete " not classified as owner-occupied single-family dwellings, as defined in § 10-13-39"

On page 10, line 26, of the Introduced bill, after "§ 13-37-16" delete ", imposed on the taxable valuation of property classified for purposes of taxation as agricultural property and nonagricultural property"

On page 13, line 5, of the Introduced bill, after "upon" insert " of five percent"

On page 13, line 6, of the Introduced bill, after "§ 32-5B-19" delete ", at the following tax rate:

(1) Beginning July 1, 2026, until June 30, 2027, four and seven-tenths percent; and

(2) Beginning July 1, 2027, five percent"

Rep. Ismay requested that JR 5-17 be invoked on **HB 1308**.

Which request was supported and **HB 1308** with Rep. Czmowski's pending motion to amend was deferred until Tuesday, February 24, 2026, the 27th legislative day.

HB 1278: FOR AN ACT ENTITLED, An Act to prohibit certain political committees from accepting contributions by certain officers or employees of this state.

Was read the second time.

Rep. Mortenson rose to a point of order that Rep. Mulally's comments were to Amendment E which had not been moved.

The question being "Shall **HB 1278** pass as amended?"

And the roll being called:

Yeas 20, Nays 47, Excused 3, Absent 0

Yeas: Arlint, Czmowski, DeGroot, Duffy, Goodwin, Halverson, Heermann, Jamison, Kassin, Lems, Massie, Mortenson, Peterson (Drew), Rehfeldt, Reisch, Roby, Roe, Shorma, Van Diepen, and Speaker Hansen

Nays: Andera, Auch, Bahmuller, Baxter, Derby, Emery, Fitzgerald, Fosness, Garcia, Gosch, Greenfield, Healy, Heinemann, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Kolbeck (Jack), Kull, Ladner, Manhart, May, Moore, Muckey, Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Pourier, Randolph, Reimer, Rice, Schaefbauer, Schwans, Shubeck, Sjaarda, Stevens, Uhre-Balk, Walburg, Weems, Weisgram, and Wittman

Excused: Aylward, Bathke, and Soye

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

HB 1230: FOR AN ACT ENTITLED, An Act to modify requirements for payment of the employer's investment in South Dakota's future fee.

Was read the second time.

The question being "Shall **HB 1230** pass?"

And the roll being called:

Yeas 31, Nays 36, Excused 3, Absent 0

Yeas: Andera, Auch, Baxter, Garcia, Goodwin, Gosch, Greenfield, Heinemann, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Kayser, Lems, Manhart, May, Mulally, Nolz, Novstrup, Odenbach, Overweg, Pourier, Randolph, Rice, Schaefbauer, Schwans, Shubeck, Sjaarda, and Speaker Hansen

Nays: Arlint, Bahmuller, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Halverson, Healy, Heermann, Jamison, Kassin, Kolbeck (Jack), Kull, Ladner, Massie, Moore, Mortenson, Muckey, Mulder, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

Excused: Aylward, Bathke, and Soye

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

HB 1160: FOR AN ACT ENTITLED, An Act to repeal the medical marijuana oversight committee.

Was read the second time.

The question being "Shall **HB 1160** pass?"

And the roll being called:

Yeas 41, Nays 26, Excused 3, Absent 0

Yeas: Arlint, Czmowski, DeGroot, Derby, Duffy, Emery, Fosness, Goodwin, Greenfield, Halverson, Healy, Heermann, Jamison, Kassin, Kayser, Kolbeck (Jack), Kull, Massie, May, Moore, Mortenson, Muckey, Mulally, Mulder, Odenbach, Overweg, Peterson (Drew), Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

Nays: Andera, Auch, Bahmuller, Baxter, Fitzgerald, Garcia, Gosch, Heinemann, Hughes, Hunt, Ismay, Jensen (Phil), Jordan, Jorgenson, Ladner, Lems, Manhart, Nolz, Novstrup, Randolph, Rice, Schaefbauer, Schwans, Shubeck, Sjaarda, and Speaker Hansen

Excused: Aylward, Bathke, and Soye

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

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 26: FOR AN ACT ENTITLED, An Act to revise procurement for highway construction contracts.

Was read the second time.

The question being "Shall **SB 26** pass?"

And the roll being called:

Yeas 53, Nays 14, Excused 3, Absent 0

Yeas: Arlint, Auch, Bahmuller, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Jamison, Jorgenson, Kassin, Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Muckey, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Shubeck, Sjaarda, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

Nays: Andera, Baxter, Garcia, Hunt, Ismay, Jensen (Phil), Jordan, Kayser, Mulally, Pourier, Randolph, Rice, Schaefbauer, and Schwans

Excused: Aylward, Bathke, and Soye

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

SB 71: FOR AN ACT ENTITLED, An Act to authorize the assumption of certain responsibilities and the waiver of sovereign immunity in connection with certain actions under federal environmental law.

Was read the second time.

The question being "Shall **SB 71** pass?"

And the roll being called:

Yeas 61, Nays 6, Excused 3, Absent 0

Yeas: Arlint, Auch, Bahmuller, Baxter, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald, Fosness, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Randolph, Rehfeldt, Reimer, Reisch, Rice, Roby, Roe, Schaefbauer, Shubeck, Sjaarda, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

Nays: Andera, Hunt, Muckey, Pourier, Schwans, and Shorma

Excused: Aylward, Bathke, and Soye

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

There being no objection, the House reverted to Order of Business No. 11 - First Reading of Senate Bills and Joint Resolutions.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 110: FOR AN ACT ENTITLED, An Act to regulate how broadband internet access service providers use customer data.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 87: FOR AN ACT ENTITLED, An Act to clarify and establish requirements related to forensic medical examinations.

Was read the first time and referred to the Committee on Health and Human Services.

SB 236: FOR AN ACT ENTITLED, An Act to create the county and township infrastructure fund for the accounting, safekeeping, and allocation of unobligated rural access infrastructure fund moneys.

SB 237: FOR AN ACT ENTITLED, An Act to require that counties provide written notice to township supervisors of conditional use applications and appeals.

Were read the first time and referred to the Committee on Local Government.

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

Was read the first time and referred to the Committee on State Affairs.

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

Was read the first time and referred to the Committee on Taxation.

The following bill was read on February 19, 2026, and today the Speaker assigned this bill to committee:

SB 224 was referred to the Committee on Judiciary.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1012: FOR AN ACT ENTITLED, An Act to revise and repeal provisions allowing probation for contempt of a custody or visitation decree.

HB 1013: FOR AN ACT ENTITLED, An Act to clarify the purposes permitted for certain offenders to operate a motor vehicle.

HB 1014: FOR AN ACT ENTITLED, An Act to modify the surcharge for a responding party in a forcible entry and detainer action.

HB 1022: FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to the crime victims' compensation program.

HB 1111: FOR AN ACT ENTITLED, An Act to modify the requirements for obtaining an agricultural processor's lien.

SB 73: FOR AN ACT ENTITLED, An Act to revise provisions relating to state financial practices.

And signed the same in the presence of the House.

COMMEMORATIONS

HC 8013: A LEGISLATIVE COMMEMORATION recognizing the Agricultural Issues team of the West Central FFA chapter and celebrating their first-place victory in the state competition and their journey to nationals.

Introduced by: **Representatives** Soye and Schwans

Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 3:44 p.m. the House adjourned.

Patricia Miller, Chief Clerk