

JOURNAL OF THE SENATE

ONE HUNDRED FIRST SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 26, 2026

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

The prayer was offered by the Chaplain, Jarvis Wipf, followed by the Pledge of Allegiance led by Senate page Olivia Moffitt.

Roll Call: All members present except Sens. Beal, Foster, and Kolbeck (Steve) who were 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 28th 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

COMMUNICATIONS AND PETITIONS

2

February 17, 2026

3

The Honorable Tonnis H. Venhuizen

4

President of the Senate

5

State Capitol

6

Pierre, SD 57501

7

Dear President and Members of the Senate:

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Pursuant to the provisions of Chapter 1-16H of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Ronald Wheeler, of Lawrence County, Lead, South Dakota, to the South Dakota Science and Technology Authority.

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This reappointment is effective April 9, 2026, and shall continue until April 9, 2032.

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Sincerely,
Larry Rhoden
Governor

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

16

17

REPORTS OF STANDING COMMITTEES

18

MR. PRESIDENT:

19

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration the nomination of Linn Evans of Pennington County, Rapid City, South Dakota, to the South Dakota Science and Technology Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

22

23

Also MR. PRESIDENT:

24

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration the nomination of William Even of Lincoln County, Tea, South Dakota, to the position of Commissioner of the South Dakota Governor's Office of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

28

29

Also MR. PRESIDENT:

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The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration the nomination of Roy Lindsay Jr. of Lake County, Madison, South Dakota, to the South Dakota Lottery Commission and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

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Also MR. PRESIDENT:

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The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration the nomination of Steven Zellmer of Pennington County, Rapid City, South Dakota, to the South Dakota Building Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

39

1 Also MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
3 consideration the nomination of James Breckenridge of Minnehaha County, Sioux Falls, South
4 Dakota, to the South Dakota Building Authority and returns the same with the recommendation that
5 the Senate advise and consent to the confirmation of said reappointment, and that said
6 reappointment having been certified as uncontested, be placed on the consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Senate Commerce and Energy respectfully reports that it has had under
9 consideration the nomination of Matt Judson of Hughes County, Pierre, South Dakota, to the Board
10 of Economic Development and returns the same with the recommendation that the Senate advise
11 and consent to the confirmation of said reappointment, and that said reappointment having been
12 certified as uncontested, be placed on the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Senate Commerce and Energy respectfully reports that it has had under
15 consideration the nomination of James Schmidt of Lincoln County, Sioux Falls, South Dakota, to the
16 Board of Economic Development and returns the same with the recommendation that the Senate
17 advise and consent to the confirmation of said reappointment, and that said reappointment having
18 been certified as uncontested, be placed on the consent calendar.

19 Also MR. PRESIDENT:

20 The Committee on Senate Commerce and Energy respectfully reports that it has had under
21 consideration the nomination of Joy Nelson of Codington County, Watertown, South Dakota, to the
22 Board of Economic Development and returns the same with the recommendation that the Senate
23 advise and consent to the confirmation of said reappointment, and that said reappointment having
24 been certified as uncontested, be placed on the consent calendar.

25 Also MR. PRESIDENT:

26 The Committee on Senate Commerce and Energy respectfully reports that it has had under
27 consideration **HB 1027 and 1049** and returns the same with the recommendation that said bills
28 do pass, and having been certified as uncontested, be placed on the consent calendar.

29 Respectfully submitted,
30 Casey Crabtree, Chair

31 MR. PRESIDENT:

32 The Joint Committee on Appropriations respectfully reports that it has had under consideration
33 **SB 37, 69, 79, and 136** and returns the same with the recommendation that said bills do pass.

34 Also MR. PRESIDENT:

35 The Joint Committee on Appropriations respectfully reports that it has had under consideration
36 **SB 174, 206, and 217** which were tabled.

37 Respectfully submitted,
38 Mike Derby, Co-Chair

Respectfully submitted,
Ernie Otten, Co-Chair

1 MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has
3 had under consideration **HB 1254 and 1264** and returns the same with the recommendation that
4 said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Tom Pischke, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Judiciary respectfully reports that it has had under consideration
9 **HB 1066, 1126, 1164, and 1234** and returns the same with the recommendation that said bills
10 do pass, and having been certified as uncontested, be placed on the consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Senate Judiciary respectfully reports that it has had under consideration
13 **HB 1179** and returns the same with the recommendation that said bill be amended as follows:

14 1179A

15 On page 1, line 1, of the Introduced bill, delete "increase" and insert " modify provisions related
16 to"

17 On page 1, line 5, of the Introduced bill, after "served," insert " upon receipt by the plaintiff of
18 the garnishee's garnishment disclosure of liability provided for in § 21-18-27,"

19 On page 1, line 6, of the Introduced bill, delete " fifty" and insert " forty"

20 And that as so amended, **HB 1179** do pass.

21 Respectfully submitted,
22 Amber Hulse, Vice-Chair

23 MR. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that **SB 26 and 71** were delivered
25 to his Excellency, the Governor, for his approval at 12:42 p.m., February 26, 2026.

26 Also MR. PRESIDENT:

27 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
28 Enrolling has carefully compared **SB 14, 21, 114, and 153** and finds the same correctly enrolled.

29 Respectfully submitted,
30 Chris Karr, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to return herewith **SCR 605, 606, 607, and 608** in which the House has concurred.

Also MR. PRESIDENT:

I have the honor to return herewith **SB 14, 21, 114, and 153** which have passed the House without change.

Also MR. PRESIDENT:

I have the honor to transmit herewith **HB 1244** 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 the House has appointed Representatives Overweg (Chair), Nolz, and Heermann as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on **SB 3**.

Also MR. PRESIDENT:

I have the honor to return herewith **SB 111** which has been amended by the House and your concurrence in the amendments is respectfully requested.

Respectfully,
Patricia Miller, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Mehlhaff moved that **HB 1107 and 1194** be deferred to Monday, March 2, 2026, the 30th legislative day.

Sen. Pischke requested a roll call vote.

The President said a roll call vote was not in order as the voice vote had already been taken, so the President called for a division of the Senate.

The question being on Sen. Mehlhaff's motion that **HB 1107 and 1194** be deferred to Monday, March 2, 2026, the 30th legislative day.

Which motion prevailed.

1

CONSIDERATION OF REPORTS OF COMMITTEES

2

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

3

State Affairs on **HB 1102** as found on page 394 of the Senate Journal; and

4

State Affairs on **HJR 5001** as found on page 395 of the Senate Journal be adopted.

5

Which motion prevailed and the reports were adopted.

6

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

7

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HB 1244: FOR AN ACT ENTITLED, An Act to repeal the special donations fund and make an appropriation to the Department of Education for the provision of a grant to support the Jobs for America's Graduates-South Dakota program.

10

Was read the first time.

11

SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

12

Sen. Carley requested that **HB 1095** be removed from the Consent Calendar.

13

Sen. Blanc requested that **HB 1099** be removed from the Consent Calendar.

14

Sen. Nelson requested that **HB 1092** be removed from the Consent Calendar.

15

Sen. Howard requested that **HB 1193** be removed from the Consent Calendar.

16

17

HB 1106: FOR AN ACT ENTITLED, An Act to revise the terms of county extension board members.

18

19

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

20

21

HB 1169: FOR AN ACT ENTITLED, An Act to classify medetomidine as a Schedule III controlled substance and establish permissible uses.

22

HB 1265: FOR AN ACT ENTITLED, An Act to authorize the salvage of certain bird eggs.

23

Were read the second time.

24

The question being "Shall **HB 1265** pass as amended, and **HB 1106, 1162, and 1169** pass?"

25

And the roll being called:

26

Yeas 32, Nays 0, Excused 3, Absent 0

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

5 Excused: Beal, Foster, and Kolbeck (Steve)

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

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

9 **SB 130:** FOR AN ACT ENTITLED, An Act to make an appropriation for roadway and related
10 infrastructure improvements required because of construction activity at Ellsworth Air Force Base
11 and to declare an emergency.

12 Was read the second time.

13 The question being "Shall **SB 130** pass?"

14 And the roll being called:

15 Yeas 32, Nays 0, Excused 3, Absent 0

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

20 Excused: Beal, Foster, and Kolbeck (Steve)

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

23 **SB 220:** FOR AN ACT ENTITLED, An Act to authorize a comprehensive study of juvenile
24 correctional and residential facilities, to make an appropriation therefor, and to declare an
25 emergency.

26 Was read the second time.

27 The question being "Shall **SB 220** pass as amended?"

28 And the roll being called:

29 Yeas 23, Nays 9, Excused 3, Absent 0

30 Yeas: Blanc, Duhamel, Grove, Hohn, Jensen (Kevin), Karr, Lapka, Larson, Marty, Mehlhaff,
31 Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Sauder, Schoenfish, Smith, Vilhauer, Voight,
32 Voita, and Zikmund

33 Nays: Carley, Crabtree, Davis, Deibert, Howard, Hulse, Miskimins, Rohl, and Wipf

34 Excused: Beal, Foster, and Kolbeck (Steve)

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

1 Sen. Hohn announced her intention to reconsider the vote by which **SB 220** lost.

2 **SB 231:** FOR AN ACT ENTITLED, An Act to create the water infrastructure development fund,
3 to provide an appropriation, to provide for the awarding of grants and loans from the fund for certain
4 rural water projects and to declare an emergency.

5 Was read the second time.

6 Sen. Voita moved that **SB 231** be amended as follows:

7 231A

8 On page 1, line 9, of the Introduced bill, delete " are continuously appropriated" and insert "
9 must be budgeted through the general appropriation bill"

10 Sen. Rohl requested a roll call vote.

11 Which request was supported.

12 The question being on Sen. Voita's motion that **SB 231** be amended.

13 And the roll being called:

14 Yeas 14, Nays 18, Excused 3, Absent 0

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

17 Nays: Crabtree, Davis, Deibert, Duhamel, Hulse, Larson, Mehlhaff, Miskimins, Otten, Perry,
18 Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Wipf, and Zikmund

19 Excused: Beal, Foster, and Kolbeck (Steve)

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

22 The question being "Shall **SB 231** pass?"

23 And the roll being called:

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

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

28 Nays: Carley and Voita

29 Excused: Beal, Foster, and Kolbeck (Steve)

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

32 **SB 240:** FOR AN ACT ENTITLED, An Act to make an appropriation for county rural access
33 infrastructure and to declare an emergency.

34 Was read the second time.

1 Sen. Davis moved that **SB 240** be amended as follows:

2 240A

3 On page 1, line 20, of the Introduced bill, after "§ 31-34-2." delete " No more than one-third
4 of the appropriated amount may be deposited, in each of the fiscal years 2026, 2027, and 2028, to
5 county rural access infrastructure funds."

6 Which motion prevailed.

7 The question being "Shall **SB 240** pass as amended?"

8 And the roll being called:

9 Yeas 31, Nays 1, Excused 3, Absent 0

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

13 Nays: Perry

14 Excused: Beal, Foster, and Kolbeck (Steve)

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

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

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

21 Was read the second time.

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

23 And the roll being called:

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

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

28 Nays: Blanc and Carley

29 Excused: Beal, Foster, and Kolbeck (Steve)

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

32 **HB 1084:** FOR AN ACT ENTITLED, An Act to amend provisions pertaining to the public
33 availability of information contained in certain records.

34 Was read the second time.

1 The question being "Shall **HB 1084** pass as amended?"

2 And the roll being called:

3 Yeas 29, Nays 3, Excused 3, Absent 0

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

7 Nays: Blanc, Carley, and Pischke

8 Excused: Beal, Foster, and Kolbeck (Steve)

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

11 **HB 1219:** FOR AN ACT ENTITLED, An Act to require the provision of interpreter or translator
12 services for parties to an administrative contested case.

13 Was read the second time.

14 The question being "Shall **HB 1219** pass?"

15 And the roll being called:

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

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

20 Nays: Carley and Howard

21 Excused: Beal, Foster, and Kolbeck (Steve)

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

24 **SIGNING OF BILLS**

25 The President publicly read the title to

26 **SB 14:** FOR AN ACT ENTITLED, An Act to modify provisions related to the practice of pharmacy.

27 **SB 21:** FOR AN ACT ENTITLED, An Act to modify tax refunds for elderly persons and persons
28 with a disability.

29 **SB 114:** FOR AN ACT ENTITLED, An Act to provide for the publication of ballot images and the
30 cast vote record of automatic tabulating equipment.

1 **SB 153:** FOR AN ACT ENTITLED, An Act to prohibit certain restrictions in employment contracts
2 for community services providers.

3 **HB 1062:** FOR AN ACT ENTITLED, An Act to revise a provision related to aggravated assault.

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

5 Sen. Hulse moved that the Senate do now adjourn, which motion prevailed and at 2:26 p.m.
6 the Senate adjourned.

7
Peggy Laurenz, Secretary

