Committee: House Judiciary Wednesday, February 03, 2021 10:00 AM

Roll Call
Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 01ST

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by voice vote

MOTION: AMEND SB 5

5A

On page 1, line 1, of the Introduced bill, delete "custodians " and insert "guardians "
On page 1, line 23, of the Introduced bill, delete ", guardian, or custodian" and insert " or guardian"
Moved by: Stevens
Second by: Pischke
Action: Prevailed by voice vote

MOTION: DO PASS SB 5 AS AMENDED

Moved by: Pischke
Second by: Sue Peterson
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Excused: St. John

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 5 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: INTRODUCE A BILL AT THE REQUEST OF THE OFFICE OF THE GOVERNOR ENTITLED:

An Act to protect the consumer in South Dakota

Moved by: Sue Peterson
Second by: Soye
Action: Prevailed by voice vote

HB 1052 : provide a rebuttable presumption in favor of joint physical custody of a minor child.

Presented by: Representative Tamara St. John
Proponents: Dr. Warren Ferrell, Author/Researcher "The Boys Crisis" New York, New York
Emma Johnson, Moms for Shared Parenting, New York, New York
Mark Ludwig, Executive Director, Americans for Equal Shared Parenting, St. Louis, Missouri
Carleen Wild Wilson, self, Flandreau, South Dakota
Spencer Wrightsman, self, Sioux Falls, South Dakota
Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls (Handout(s) Handout #1)
Steve Seigel, Lobbyist, South Dakota Trail Lawyers, Pierre, South Dakota
April LeBeau, self, Oacoma, South Dakota
Lindsey Compton, Executive Director of the White Buffalo Society, Misson, South Dakota

MOTION: DEFER HB 1052 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Pourier
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1052

Moved by: Pischke
Second by: Aylward
Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Aylward, Pischke, Soye, St. John, and Hansen

Voting No: Barthel, Cwach, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, and Stevens

Revert to previous motion

MOTION: DEFER HB 1052 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Pourier
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, and Stevens

Voting No: Aylward, Pischke, Soye, St. John, and Hansen

House Judiciary committee recessed for 5 minutes.

HB 1061 : prohibit smoking marijuana and its derivatives in a motor vehicle and create a penalty therefor.

Presented by: Representative Mary Fitzgerald
Proponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls
Jason Husby, Department of Public Safety, Pierre, South Dakota
Jeremiah Murphy, Lobbyist, New Industry Association, Rapid City, South Dakota (Handout(s) Handout #2)
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Emmett Reistraffer, Johnson Properties LLC, Rapid City, South Dakota
Yvonne Taylor, South Dakota Municipal League, Fort Pierre, South Dakota
Charles McGuigan, Deputy Director, Attorney General Office, Pierre, South Dakota
Kitt Jeffries, Dakota Cannabis Consulting, Rapid City, South Dakota
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND HB 1061

1061B

On page 1, line 1, of the Introduced bill, after "smoking " insert "and consuming "
On page 1, line 7, of the Introduced bill, delete "Class 2" and insert " Class 1"
On page 1, line 8, of the Introduced bill, after "vehicle" delete " smokes marijuana or marijuana concentrate while the vehicle is being operated. "
On page 1, line 9, of the Introduced bill, after "operated. " insert ":
(1) Smokes marijuana or marijuana concentrate;
(2) Consumes any product containing marijuana or an extract of marijuana; or
(3) Possesses any package or receptacle containing marijuana, marijuana concentrate, or a product containing marijuana or an extract of marijuana unless the seal of the original package remains unbroken.
"
On page 1, line 20, of the Introduced bill, after "facility;
(3) Smoking " insert "or consuming "
On page 1, line 23, of the Introduced bill, delete the period and insert "; or"
Moved by: Odenbach
Second by: Rehfeldt
Action: Prevailed by voice vote

THE CHAIR DEFERRED HB 1061 UNTIL FRIDAY, FEBRUARY 05TH 2021

MOTION: ADJOURN

Moved by: Odenbach
Second by: Soye
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair