

Committee: Senate Judiciary

Tuesday, March 02, 2021 8:00 AM

Roll Call

Present: Sen. Diedrich, Sen. Duhamel, Sen. Johns, Sen. Rusch, Sen. Schoenbeck, Sen. Wheeler, and Sen. Rohl

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rusch

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 25TH

Moved by: Johns
Second by: Wheeler
Action: Prevailed by voice vote

HB 1191 : allow an expedited process for local intergovernmental legal disputes.

Proponents: Representative Scott Odenbach

MOTION: AMEND HB 1191

1191A

On page 1, line 11, of the Introduced bill, after "resolution" insert ", other than binding arbitration,"
On page 1, line 16, of the Introduced bill, after "territory;
(2)" insert "Any school district;
(3) "

On page 1, line 19, of the Introduced bill, delete "(3)" and insert "(4)"

Moved by: Diedrich
Second by: Wheeler
Action: Prevailed by voice vote

MOTION: DO PASS HB 1191 AS AMENDED

Moved by: Schoenbeck
Second by: Duhamel
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, Wheeler, and Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1191 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1114 : provide a definition of abortion.

Proponents: Representative Jon Hansen
Mark Miller, General Counsel, Office of the Governor
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Chris Motz, South Dakota Catholic Conference, Sioux Falls
Norman Woods, Family Heritage Alliance Action, Rapid City

Lisa Gennaro, Concerned Woman For America, Alexandria
Dr. Tamara Grove, South Dakota Family Policy Council, Sioux Falls

MOTION: DO PASS HB 1114

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, Wheeler, and Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1114 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1140 : restrict the entry of conservation officers onto certain private land without permission.

Proponents: Mark Miller, General Counsel, Office of the Governor
Kevin Robling, Department of Game, Fish and Parks
Justin Bell, South Dakota Landowner and Outfitter Alliance, Pierre
Senator Gary Cammack, District 26
Robert Johnson, Self, Buffalo, South Dakota
James Halverson, South Dakota Stockgrowers Association, Rapid City
Brenda Forman, South Dakota Cattlemen's Association, Pierre
Larry Nelson, self, Buffalo
Matthew McCaulley, South Dakota Upland Outfitters Association, Kimball
Billy Clanton, self, Buffalo
Opponents: John Cooper, Self, Pierre, SD
Zach Hunke, South Dakota Wildlife Federation, Watertown
Paul Lepisto, South Dakota Division of the Izaak Walton League of America, Pierre
John Simpson, self, Pierre
Nancy Hilding, Prairie Hills Audubon Society of Eastern SD, BLACK HAWK
Cody Warner, Self, Webster
Others: John Kotilnek, Attorney, South Dakota Game, Fish, and Parks

MOTION: DEFER HB 1140 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, Wheeler, and Rohl

HB 1204 : revise criminal provisions regarding certain visual recordings or photographic devices.

Proponents: Representative Jess Olson
Jessie Drury, self, Rapid City
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Representative Becky Drury

MOTION: DO PASS HB 1204

Moved by: Schoenbeck
Second by: Diedrich
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, Wheeler, and Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1204 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

The Chair recessed the committee at 10:08 A.M. The committee reconvened at 3:38 P.M.

HB 1197 : require the attorney general be licensed to practice law in the state.

Proponents: Senator Marsha Symens, District 25

MOTION: DO PASS HB 1197

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, and Wheeler

Excused: Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1197 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1150 : provide definitions regarding the crime of rape.

Proponents: Representative Tim Reed
Michael Moore, State's Attorney Beadle County
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DEFER HB 1150 TO THE 41ST LEGISLATIVE DAY

Moved by: Wheeler
Second by: Rohl
Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Duhamel, Johns, Rusch, Wheeler, and Rohl

Voting No: Diedrich and Schoenbeck

HB 1261 : revise certain provisions related to the training curricula required of a person appointed as a guardian or a conservator.

Proponents: Representative Greg Jamison
Greg Sattizahn, State Court Administrator, United Judicial System
Erik Nelson, AARP South Dakota, Sioux Falls

MOTION: DO PASS HB 1261

Moved by: Diedrich
Second by: Johns
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Diedrich, Duhamel, Johns, Rusch, Schoenbeck, Wheeler, and Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1261 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Johns
Second by: Wheeler
Action: Prevailed by voice vote

Courtney Merchant, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair