

Committee: Senate Judiciary

Tuesday, February 08, 2022 8:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Rusch

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 03RD

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

MOTION: Revise Agenda adding HB1005

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

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

SB 137 : establish gestational surrogacy arrangements and agreements.

Presented by: Senator Brock Greenfield, District 2 (Handout(s) 1)

Proponents: Lisa Rahja, Families from South Dakota Surrogacy, Sioux Falls
Emilee Gehling, self, Dakota Dunes
Elizabeth Waletich, self, Britton
Vanida Schmitt, self, Pierre
Justin Bell, South Dakota State Medical Association, Sioux Falls
Lindsey Riter-Rapp, South Dakota Section of the American College of
Obstetricians and Gynecologists, Rapid City
Billy Sutton, self, Burke
Rachael Pfeifle, self, Rapid City (Handout(s) 2)
Amber Rikansrud, self
Constanze Hagmaier, self

Opponents: Norman Woods, Family Heritage Alliance Action, Rapid City (Handout(s) 3)
Chris Motz, South Dakota Catholic Conference, Sioux Falls
Darrel Smith, South Dakota Family Policy Resource, Mobridge
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Matt Doran Wendler, self
Katy Francisco, self
Katy Faust, self

MOTION: DO PASS SB 137

Moved by: Rohl
Second by: Wheeler
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER SB 137 TO THE 41ST LEGISLATIVE DAY

Moved by: Stalzer
Second by: Johns
Action: Failed by Majority Members Elect (2-5-0-0)

Voting Yes: Johns and Stalzer

Voting No: Diedrich, Rohl, Wheeler, Duhamel, and Rusch

Revert to previous motion

MOTION: DO PASS SB 137

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

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

Voting No: Johns and Stalzer

HB 1085 : expand the eligibility for a small estate probate.

Presented by: Representative Will Mortenson, District 24
Proponents: Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

MOTION: DO PASS HB 1085

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

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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1085 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

Chairman Rusch called a recess and advised the meeting would resume 15 minutes after session.

SB 111 : revise provisions on aiding, abetting, or advising.

Presented by: Senator Marsha Symens, District 25
Proponents: Anne Rice, self, Dell Rapids
 Terra Larson, SD Association of Criminal Defense Lawyers, Rapid City
 Representative Tom Pischke, District 25
Opponents: Randy Sample, self, Sioux Falls
 Paul Bachand, South Dakota States Attorneys Association, Pierre
 Tom Deadrick, Office of the Attorney General

Doug Clark, Department of Corrections

MOTION: DEFER SB 111 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns
Second by: Duhamel
Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Diedrich, Johns, Stalzer, Wheeler, and Duhamel

Voting No: Rohl and Rusch

HB 1005 : provide for the designated use of public school multi-occupancy rooms and sleeping rooms.

Presented by: Senator Marsha Symens, District 25

Proponents: Grace Sargent, self, Pierre
Kari Rettig, self, Vermillion
Jacob Skelton, self, Vermillion
Sarah Taggart, self, Vermillion
Thomas Tiaht, self, Wakonda
Representative Fred Deutsch, District 4
Matt Sharp, self
Debbie Pease, Family Heritage Alliance Action, Rapid City
Linda Schauer, Concerned Women for America, Alexandria, VA
Darrel Smith, South Dakota Family Policy Council, Sioux Falls
Senator Julie Frye-Mueller, District 30

Opponents: Mike Phelan, self, Vermillion
Nina Jorde, self, Vermillion
Nessa Birkeland, self, Vermillion
Shane Nordyke, self, Vermillion
Jett Jonelis, American Civil Liberties Union Foundation Inc, New York
Dianna Miller, Large School Group, Pierre
Wade Pogany, Associated School Boards of South Dakota, Pierre
Rob Monson, School Administrators of South Dakota, Pierre
Roger Tellinghuisen, Human Rights Campaign, Washington
Sam Nelson, South Dakotans for Equality, Canton
Sandra Waltman, South Dakota Education Association, Pierre
Mitch Richter, United School Association of South Dakota, Madison

MOTION: DO PASS HB 1005

Moved by: Stalzer
Action: Died for lack of a second

MOTION: DEFER HB 1005 TO THE 41ST LEGISLATIVE DAY

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

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

Voting No: Stalzer

Chairman Rusch advised the remaining bills were continued to 02/10/22.

MOTION: ADJOURN

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

Lorna Shell, Committee Secretary

/s/ ARTHUR RUSCH
Arthur Rusch, Chair