

Committee: House Judiciary

Wednesday, February 09, 2022 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 Aylward**

**MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 07<sup>TH</sup>**

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

**HB 1246 : establish the fundamental right of a parent.**

Presented by: Representative Sue Peterson, District 13  
Proponents: William Anthony Estrada, Parental Rights.org, Lovettsville VA  
Senator Jessica Castleberry, District 35  
Debbie Pease, Families for Alternative Instruction Rights SD, Sioux Falls  
Debbie Pease, Family Heritage Alliance Action, Rapid City  
Opponents: Wade Pogany, Associated School Boards of South Dakota, Pierre  
Rob L Monson, School Administrators of South Dakota, Pierre

**MOTION: AMEND HB 1246**

1246B

On page 1, line 5, of the Introduced bill, after "parents " insert "or court appointed guardian "  
Moved by: Odenbach  
Second by: Pischke  
Action: Prevailed by voice vote

**MOTION: AMEND THE PENDING AMENDMENT**

1246D

On page 1, line 5, of the Introduced bill, after "parents" delete "or court appointed guardian of the child. No state agency, political subdivision, or any elected or appointed official or employee of this state or its political subdivisions may abridge or encroach upon that fundamental right"

Moved by: Stevens  
Second by: Cwach  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1246 AS AMENDED**

Moved by: Stevens  
Second by: Pischke

Action: Prevailed by Majority Members Elect (13-0-0-0)

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

**HB 1152 : establish rights regarding the disposition of a person's remains.**

Presented by: Representative Charlie Hoffman, District 23

Proponents: Jason Alan Glodt, South Dakota Funeral Directors Association, Spencer (Handout(s) 1)

**MOTION: DO PASS HB 1152**

Moved by: Stevens

Second by: Odenbach

Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: AMEND HB 1152**

1152A

On page 4, line 15, of the Introduced bill, after "the" delete " probate"

On page 4, line 17, of the Introduced bill, after "the" delete " probate"

Moved by: Cwach

Second by: Stevens

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1152 AS AMENDED**

Moved by: Stevens

Second by: Odenbach

Action: Prevailed by Majority Members Elect (13-0-0-0)

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

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1152 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1213 : clarify the Corrections Commission's ability to obtain criminal justice information.**

Presented by: Representative Steven Haugaard, District 10

Opponents: Paul Bachand, South Dakota States Attorneys Association, Pierre Richard Tieszen, South Dakota Sheriffs' Association, Eureka

**MOTION: DO PASS HB 1213**

Moved by: Odenbach

Second by: St. John

Action: Prevailed by Majority Members Elect (10-1-2-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Pischke, Pourier, Soye, St. John, Stevens, and Hansen

Voting No: Reimer

Excused: Sue Peterson and Rehfeldt

**HB 1279 : revise certain provisions relating to child support.**

Presented by: Representative Mike Stevens, District 18

Proponents: Virgena Wieseler, Department of Social Services  
Terra Larson, SD Association of Criminal Defense Lawyers, Rapid City  
Terri Williams, Self, Rapid City  
Linda L Viken, Self, Rapid City

**MOTION: DO PASS HB 1279**

Moved by: Barthel  
Second by: Reimer  
Action: Was not acted on.

**MOTION: Substitute motion to amend HB 1279 as follows: on page 2, line 27, replace "6" with "10"**

Moved by: Pischke  
Second by: Sue Peterson  
Action: Failed by voice vote

**MOTION: DO PASS HB 1279**

Moved by: Barthel  
Second by: Reimer  
Action: Prevailed by Majority Members Elect (9-4-0-0)

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

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

**HB 1278 : revise the child support obligation schedule.**

Presented by: Representative Mike Stevens, District 18 (Handout(s) 2, 3)

Proponents: Virgena Wieseler, Department of Social Services

**MOTION: DO PASS HB 1278**

Moved by: Rehfeldt  
Second by: Reimer  
Action: Prevailed by Majority Members Elect (7-6-0-0)

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

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

**MOTION: ADJOURN**

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

Gail Tennant, Committee Secretary

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/s/ JON HANSEN  
Jon Hansen, Chair