

Committee: House Judiciary

Wednesday, February 09, 2022 3:00 PM

Roll Call

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

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by**

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

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

**HB 1270 : require a defendant in a criminal proceeding to be physically present during the reading of victim impact statements.**

Presented by: Representative Peri Pourier, District 27

**MOTION: AMEND HB 1270**

1270A

On page 1, line 17, of the Introduced bill, after "courtroom" insert ", or appear by interactive audio technology that allows sight and sound interaction,"

On page 2, line 13, of the Introduced bill, after "courtroom" insert the comma

On page 2, line 13, of the Introduced bill, after "courtroom " insert "or appear by interactive audio technology that allows sight and sound interaction, "

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

**MOTION: DO PASS HB 1270 AS AMENDED**

Moved by: Barthel  
Second by: St. John  
Action: Prevailed by Majority Members Elect (7-0-6-0)

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

Excused: Odenbach, Sue Peterson, Rehfeldt, Reimer, Soye, and Stevens

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1270 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1171 : revise provisions related to missing children.**

Presented by: Representative Peri Pourier, District 27  
Proponents: Monique Apple, Self, Rapid City  
Opponents: Jon Bierne, Department of Public Safety

**MOTION: AMEND HB 1171**

1171A

On page 1, line 17, of the Introduced bill, after "child." insert " If the missing child's parents, custodial parent, guardian, legal custodian, designated contact, or any other person responsible for the child requests that notification not be sent to local media outlets, the law enforcement agency may not notify local media concerning the child."

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

**MOTION: DEFER HB 1171 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Pischke  
Second by: Rehfeldt  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: AMEND HB 1171**

1171B

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1"  
On page 1, line 3, of the Introduced bill, after "1." delete " That § 26-17-2 be AMENDED:"  
On page 1, line 4, of the Introduced bill, after "AMENDED:" delete "26-17-2. When a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate such information into the national crime information center computer within twelve hours following the making of the report. The law enforcement agency shall make reasonable efforts to acquire additional information about the missing child following the transmittal of the initially available information and promptly integrate any additional information acquired into such the computer systems. As soon as reasonably practicable following the integration of the information into the computer, the agency shall verify with the missing child's parents, custodial parent, guardian, legal custodian, designated contact, or any other person responsible for the missing child that notice will be sent to local media outlets concerning the missing child. The law enforcement agency shall then promptly notify local media outlets of all appropriate information that may assist in the safe recovery of the missing child."

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

**MOTION: DO PASS HB 1171 AS AMENDED**

Moved by: Cwach  
Second by: Rehfeldt  
Action: Was not acted on.

**MOTION:      SUBSTITUTE MOTION:      DEFER HB 1171 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by:      Rehfeldt  
 Second by:     Aylward  
 Action:         Prevailed by Majority Members Elect (7-2-4-0)

Voting Yes:    Aylward, Barthel, Pischke, Rehfeldt, Reimer, St. John, and Hansen

Voting No:     Cwach and Pourier

Excused:      Odenbach, Sue Peterson, Soye, and Stevens

**HB 1176 :      grant immunity from certain liabilities for camping activities.**

Presented by: Representative Mike Derby, District 34

Proponents:   Mary Arlington, SDCOA, PIERRE  
                     Chris Hipple, Leavitt Recreation and Hospitality, Sturgis  
                     Marvin Ago, Leavitt Recreation and Hospitality, Sturgis  
                     Justin G. Smith, South Dakota Visitor Industry Alliance, Pierre

Opponents:    Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

**MOTION:      AMEND HB 1176**

1176A

On page 2, line 13, of the Introduced bill, delete "; and" and insert a period  
 On page 3, line 9, of the Introduced bill, after "section. " insert "A warning sign must be posted at the entrance or registration desk of a private campground. "

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

**MOTION:      DO PASS HB 1176 AS AMENDED**

Moved by:      Cwach  
 Second by:     Aylward  
 Action:         Was not acted on.

**MOTION:      SUBSTITUTE MOTION:      AMEND HB 1176**

1176B

On page 1, line 16, of the Introduced bill, delete "Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires" and insert "Bonfires"  
 On page 2, line 29, of the Introduced bill, after "others;" insert " or"  
 On page 2, line 30, of the Introduced bill, after "others;" delete "(3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or"  
 On page 2, line 32, of the Introduced bill, delete "(4)" and insert "(3)"

Moved by:      Stevens  
 Second by:     Rehfeldt  
 Action:         Failed by voice vote

**Revert to previous motion****MOTION: DO PASS HB 1176 AS AMENDED**

Moved by: Cwach  
 Second by: Aylward  
 Action: Prevailed by Majority Members Elect (10-1-2-0)

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

Voting No: Pischke

Excused: Sue Peterson and Soye

**HB 1229 : authorize the formation of corporations and limited liability companies by physical therapists, occupational therapists, and speech-language pathologists.**

Presented by: Representative Spencer Gosch, District 23

Proponents: Jenn Gustafson, Self, Claremont  
 Tim Dougherty, South Dakota Chapter of American Physical Therapy Association, Sioux Falls

**MOTION: AMEND HB 1229**

1229C

On page 1, line 6, of the Introduced bill, delete "Terms " and insert "As "  
 On page 1, line 6, of the Introduced bill, after "chapter" delete " mean"  
 On page 1, line 7, of the Introduced bill, after "incorporation," " insert "includes "  
 On page 1, line 8, of the Introduced bill, after "company;  
 (2) "Corporation," " insert "includes "  
 On page 1, line 11, of the Introduced bill, after ""officer," " insert "includes "  
 On page 1, line 13, of the Introduced bill, after "managers;  
 (4) "Incorporation," " insert "includes "  
 On page 1, line 13, of the Introduced bill, delete "members " and insert "organization "  
 On page 1, line 14, of the Introduced bill, after "company;  
 (5) "Shareholders," " insert "includes "  
 On page 1, line 15, of the Introduced bill, after "and  
 (6) "Shares," " insert "includes "  
 On page 1, line 18, of the Introduced bill, after "36-31, " delete "and "  
 On page 1, line 19, of the Introduced bill, after "36-37" insert ", or any combination of such licensees,"  
 On page 2, line 1, of the Introduced bill, after "organized " delete "solely "  
 On page 2, line 2, of the Introduced bill, delete "and " and insert "or "  
 On page 2, line 2, of the Introduced bill, after "pathology, " insert "or any combination of such practices"  
 On page 2, line 2, of the Introduced bill, after "pathology, " delete "by persons qualified to practice such in this state"  
 On page 2, line 5, of the Introduced bill, after "state" delete ", only in furtherance of and subject to its corporate purpose"  
 On page 3, line 18, of the Introduced bill, after "changes." delete "Section 9. That chapter 47-11G be amended with a NEW SECTION:"

On page 3, line 19, of the Introduced bill, after "SECTION:" delete "Except as provided in this chapter, corporations may not engage in the practice of physical therapy, occupational therapy, or speech-language pathology."

On page 4, line 1, of the Introduced bill, after "by" insert " a"

On page 4, line 2, of the Introduced bill, after "pathologist" delete " employed by it"

On page 4, line 5, of the Introduced bill, after "pathologist " delete "employed by the corporation "

Moved by: Reimer

Second by: Odenbach

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1229 AS AMENDED**

Moved by: Rehfeldt

Second by: Reimer

Action: Prevailed by Majority Members Elect (11-0-2-0)

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

Excused: Sue Peterson and Soye

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1229 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Stevens

Second by: Odenbach

Action: Prevailed by voice vote

Gail Tennant, Committee Secretary

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/s/ JON HANSEN  
Jon Hansen, Chair