

Committee: Senate Judiciary

Tuesday, February 22, 2022 7:45 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 17<sup>TH</sup>**

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

**SB 164 : clarify the requirements for the execution of a living will declaration.**

Presented by: Senator Michael Diedrich, District 34  
Proponents: Tammy Hatting, South Dakota Association of Healthcare Organizations, Sioux Falls

**MOTION: DO PASS SB 164**

Moved by: Johns  
Second by: Duhamel  
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Rohl

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 164 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 208 : revise the Uniform Unclaimed Property Act.**

Presented by: Senator Timothy Johns, District 31

**MOTION: TO TABLE SB 208**

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

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

**HB 1026 : prohibit eligibility for a suspended imposition of sentence for the crime of rape.**

Presented by: Representative Mary Fitzgerald, District 31  
Proponents: Victoria Blankenship, self, Box Elder

Opponents: Kelly Patterson, self, Piedmont  
Charles McGuigan, Office of the Attorney General  
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls  
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

**MOTION: DO PASS HB 1026**

Moved by: Diedrich  
Second by: Stalzer  
Action: Failed by Majority Members Elect (3-4-0-0)

Voting Yes: Diedrich, Stalzer, and Duhamel

Voting No: Johns, Rohl, Wheeler, and Rusch

**MOTION: DEFER HB 1026 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Wheeler  
Second by: Rohl  
Action: Prevailed by Majority Members Elect (4-3-0-0)

Voting Yes: Johns, Rohl, Wheeler, and Rusch

Voting No: Diedrich, Stalzer, and Duhamel

**HB 1037 : revise the penalty for certain willful violations by grain buyers and grain warehouse operators.**

Presented by: Tom Deadrick, Office of the Attorney General  
Proponents: Chris Nelson, Commissioner, Public Utilities Commission  
Brenda Forman, South Dakota Association of Cooperatives, Pierre  
Matthew M Bogue, South Dakota Farm Bureau Federation, Huron

**MOTION: DO PASS HB 1037**

Moved by: Johns  
Second by: Wheeler  
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 1037 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1060 : consolidate certain domestication provisions in the Uniform Limited Liability Company Act.**

Presented by: Senator David Wheeler, District 22  
Proponents: Elizabeth Overmoe, State Bar of South Dakota, Pierre  
Kyle Holt, Office of the Secretary of State

**MOTION: DO PASS HB 1060**

Moved by: Diedrich  
Second by: Duhamel  
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 1060 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1079 : revise provisions regarding court transcript costs.**

Presented by: Senator Timothy Johns, District 31  
Proponents: Paul E Bachand, SD Court Reporters Association, Watertown  
Greg Sattizahn, Unified Judicial System

**MOTION: DO PASS HB 1079**

Moved by: Wheeler  
Second by: Duhamel  
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 1079 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

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

Lorna Shell, Committee Secretary

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/s/ ARTHUR RUSCH  
Arthur Rusch, Chair