

Committee: Senate Judiciary

Thursday, January 25, 2024 7:45 AM

Roll Call

Present: Sen. Hoffman, Sen. Klumb, Sen. Mehlhaff, Sen. Rohl, Sen. Wheeler,
Sen. Stalzer, and Sen. Duhamel

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Duhamel

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 23RD

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

SB 84 : update the edition of the guidebook used for measuring damages or appraised values to trees or plants.

THE CHAIR DEFERRED SB 84 UNTIL A LATER DATE

SB 91 : revise sex offender residency restrictions to include private parks, playgrounds, and pools.

Presented by: Senator David Johnson
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DEFER SB 91 TO THE 41ST LEGISLATIVE DAY

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

Voting Yes: Klumb, Mehlhaff, Rohl, Wheeler, and Duhamel

Voting No: Hoffman and Stalzer

HB 1025 : establish the crime of exposure of a law enforcement officer to a controlled drug or substance and to provide a penalty therefor.

Presented by: Representative Ben Krohmer (Handout(s) 2,3)
Proponents: Jason Ketterling, Department of Public Safety
Jenna R. Severyn, South Dakota Police Chiefs Association, FORT PIERRE
Opponents: Cash Anderson, South Dakota Association of Criminal Defense Lawyers, Rapid City (Handout(s) 4,5)

MOTION: DEFER HB 1025 TO THE 41ST LEGISLATIVE DAY

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

Voting Yes: Mehlhaff, Rohl, Wheeler, and Duhamel

Voting No: Hoffman, Klumb, and Stalzer

SB 90 : repeal the requirement of advance notice to quit in an action of forcible entry and detainer.

Presented by: Senator Michael Rohl

Opponents: Melissa McCauley, Dakota Rural Action, Brookings

MOTION: AMEND SB 90

90A

On page 1, line 1, of the Introduced bill, after "to " insert "revise and "

On page 1, line 1, of the Introduced bill, delete " the requirement of advance notice to quit in an action of" and insert " provisions related to"

On page 1, after line 12, of the Introduced bill, insert: "

Section 2. That § 21-16-7 be AMENDED:

21-16-7. The time for appearance and pleading shall be ~~four~~ five days from the time of service on the defendant or thirty days after the publication of service under § 21-16-6.1, whichever occurs sooner. No adjournment or continuance shall be made for more than fourteen days, unless the defendant applying therefor shall give an undertaking to the plaintiff with good and sufficient surety to be approved by the court, conditioned for the payment of the rent that may accrue, together with costs if judgment be rendered against the defendant."

Moved by: Wheeler

Second by: Klumb

Action: Prevailed by voice vote

MOTION: DO PASS SB 90 AS AMENDED

Moved by: Wheeler

Second by: Klumb

Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Hoffman, Klumb, Mehlhaff, Rohl, Wheeler, Stalzer, and Duhamel

HB 1004 : update the official code of laws.

Presented by: Justin Goetz, Legislative Research Council

MOTION: DO PASS HB 1004

Moved by: Klumb

Second by: Stalzer

Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Hoffman, Klumb, Mehlhaff, Rohl, Wheeler, Stalzer, and Duhamel

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1004 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair