

Committee: Senate Judiciary

Thursday, February 01, 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 30TH

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.

Presented by: Senator David Johnson
Proponents: Steve Willard, South Dakota Electric Utility Companies, Pierre

MOTION: AMEND SB 84

84C

On page 1, line 1, of the Introduced bill, after "damages" delete " or appraised values"
On the Introduced bill, delete everything after the enacting clause and insert:
"

Section 1. That § 21-3-10 be AMENDED:

21-3-10. The Guide for Plant Appraisal, ~~Ninth Edition~~ Tenth Edition Revised, as published by the International Society of Arboriculture as of January 1, 2007, shall be used as a guide to measure the actual damages for the wrongful injury to trees or plants.

"

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

MOTION: AMEND THE PENDING AMENDMENT

84D

On amendment (84C),
On page 1, line 6, after "Arboriculture" delete " as of January 1, 2007"

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

MOTION: DO PASS SB 84 AS AMENDED

Moved by: Wheeler

Second by: Klumb
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Rohl

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 84 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 6 : revise provisions related to death by distribution of a Schedule I or II substance.

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

MOTION: AMEND SB 6

6A

On page 1, line 10, of the Introduced bill, after "if" delete " the person is in possession of"
On page 1, line 11, of the Introduced bill, after "following" insert " aggravating circumstances apply"
On page 1, line 12, of the Introduced bill, delete "Three " and insert "The person is in possession of three "
On page 1, line 13, of the Introduced bill, delete "A " and insert "The person is in possession of a "
On page 1, line 15, of the Introduced bill, delete "Bulk " and insert "The person is in possession of bulk "
On page 1, line 16, of the Introduced bill, delete "Materials " and insert "The person is in possession of materials "
On page 1, line 19, of the Introduced bill, delete "Drug " and insert "The person is in possession of drug "
On page 2, line 21, of the Introduced bill, after "felony." insert " If three or more of the above aggravating circumstances apply, the person is guilty of a Class 1 felony."
On page 2, line 21, of the Introduced bill, after "fentanyl" insert " and the person knew the substance was fentanyl"

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

MOTION: DO PASS SB 6 AS AMENDED

Moved by: Klumb
Second by: Mehlhaff
Action: Prevailed by Majority Members Elect (7-0-0-0)

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

SB 109 : provisionally repeal capital punishment.

Presented by: Senator Reynold Nesiba
Proponents: Dennis Lynn Davis, South Dakotans Opposed to the Death Penalty, Vermillion (Handout(s) 1)
Dan Pacholke, Self, Olympia, WA
Arthur Rusch, Self, Vermillion

Steve Hickey, Self, Soldotna, AK
 Michael G. Pauley, South Dakota Catholic Conference, Rapid City
 Sister Lynn Marie Welbig, Presentation Sisters of Aberdeen, Aberdeen
 Opponents: Marty Jackley, Attorney General, Pierre
 Tom Wollman, Self, Sioux Falls
 Lynette Johnson, Self, Sioux Falls
 Senator Julie Frye-Mueller

MOTION: DEFER SB 109 TO THE 41ST LEGISLATIVE DAY

Moved by: Klumb
 Second by: Stalzer
 Action: Prevailed by Majority Members Elect (4-3-0-0)

Voting Yes: Hoffman, Klumb, Wheeler, and Stalzer

Voting No: Mehlhaff, Rohl, and Duhamel

SB 122 : ensure the availability of law enforcement and emergency services in certain state parks and to declare an emergency.

Presented by: Senator Julie Frye-Mueller
 Proponents: Marty Mechaley, Self, Custer
 Representative Dennis Krull
 Opponents: Scott Simpson, Department of Game, Fish and Parks

MOTION: AMEND SB 122

122B

On page 1, line 1, of the Introduced bill, after "enforcement" delete " and emergency services"
 On page 2, line 9, of the Introduced bill, after "twenty-four-hour" delete " emergency services, including dispatch,"
 On page 2, line 9, of the Introduced bill, after "enforcement" delete ", ambulance, and search and rescue"

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

MOTION: DO PASS SB 122 AS AMENDED

Moved by: Mehlhaff
 Second by: Duhamel
 Action: Failed by Majority Members Elect (2-4-1-0)

Voting Yes: Mehlhaff and Duhamel

Voting No: Hoffman, Klumb, Rohl, and Stalzer

Excused: Wheeler

MOTION: DEFER SB 122 TO THE 41ST LEGISLATIVE DAY

Moved by: Rohl

Second by: Klumb
Action: Prevailed by Majority Members Elect (6-0-1-0)

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

Excused: Wheeler

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ HELENE DUHAMEL
Helene Duhamel, Chair