

Minutes: Senate Judiciary

Tuesday, February 18, 2025 7:45 AM

Roll Call

Present: Sen. Blanc, Sen. Duhamel, Sen. Grove, Sen. Mehlhaff, Sen. Pischke,
Sen. Hulse, and Sen. Wheeler

The meeting was called to order by Senator Wheeler

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 12TH

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

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 13TH

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

SB 119 : repeal capital punishment.

MOTION: DEFER SB 119 TO THE 41ST LEGISLATIVE DAY

Moved by: Grove
Second by: Blanc
Action: Prevailed by Majority Members Elect (4-3-0-0)

Voting Yes: Blanc, Grove, Pischke, and Hulse

Voting No: Duhamel, Mehlhaff, and Wheeler

SB 166 : clarify that a digital network is not subject to a cause of action based on the doctrine of product liability.

Presented by: Senator Carl E. Perry
Proponents: Grace Beck, Uber Technologies Inc., San Francisco, CA
Brad Nail, Self Uber, Miami FL

MOTION: DO PASS SB 166

Moved by: Hulse
Second by: Duhamel
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Blanc, Duhamel, Grove, Mehlhaff, Pischke, Hulse, and Wheeler

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 166 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 134 : provide limitations on liability and damages caused by a wildfire.

Presented by: Senator Carl E. Perry

MOTION: TO TABLE SB 134

Moved by: Pischke
Second by: Hulse
Action: Prevailed by Majority Members Elect (6-1-0-0)

Voting Yes: Blanc, Duhamel, Grove, Pischke, Hulse, and Wheeler

Voting No: Mehlhaff

SB 18 : require age verification by websites containing material that is harmful to minors, and to provide a penalty therefor.

Presented by: Senator Steve Kolbeck (Handout(s) HO#1)

Proponents: Lisa Gennaro, Concerned Women for America, Alexandria, VA (Handout(s) HO#2)
Lisa Gennaro, Protecting South Dakota Kids Inc., Rapid City (Handout(s) HO#3)
Marty Jackley, Attorney General, State of South Dakota
Annie Chestnut Tutor, Self, The Heritage Foundation, Washington DC
Doug Abraham, ACT The App Association, Washington, D.C. (Handout(s) HO#4)
Terry Dosch, Self, South Dakota Council of Mental Health Centers, Pierre
Rose Feliciano, TechNet, Santa Clara, CA
Opponents: Ben Sherman, Self, Rapid City
Samantha Chapman, American Civil Liberties Union Foundation Inc., NY

MOTION: DO PASS SB 18

Moved by: Duhamel
Second by: Wheeler
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: TO TABLE SB 18

Moved by: Mehlhaff
Second by: Pischke
Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Blanc, Grove, Mehlhaff, Pischke, and Hulse

Voting No: Duhamel and Wheeler

HB 1053 : require age verification by websites containing material that is harmful to minors, and to provide a penalty therefor.

Presented by: Representative Bethany Soye

Proponents: Lisa Gennaro, Concerned Women for America, Alexandria, VA (Handout(s) HO#2)
Lisa Gennaro, Protecting South Dakota Kids Inc., Rapid City (Handout(s) HO#3)
Hollie Strand, Self, Internet Crimes Against Children, Rapid City
Marty Jackley, Attorney General, State of South Dakota
Annie Chestnut Tutor, Self, The Heritage Foundation, Washington DC
Michael G. Pauley, South Dakota Catholic Conference, Rapid City
Norman Woods, SD Family Voice Action, Rapid City
Sandra Asuncion, Self, American Principles Project, Arlington VA

Opponents: Doug Abraham, ACT The App Association, Washington, D.C.
Rose Feliciano, TechNet, Santa Clara, CA
Ben Sherman, Self, Rapid City
Samantha Chapman, American Civil Liberties Union Foundation Inc., NY

MOTION: DO PASS HB 1053

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

Voting Yes: Blanc, Duhamel, Grove, Mehlhaff, Pischke, Hulse, and Wheeler

SB 180 : to require age verification before an individual may access an application from an online application store.

Presented by: Senator Sue Peterson (Handout(s) HO#5, HO#6)

Proponents: Representative Bethany Soye
Marty Jackley, Attorney General, State of South Dakota
Jeremy Pankratz, Self, META Inc, Harrisburg
Nancy Lopez, Self, META Inc, Oakland CA
Lisa Gennaro, Concerned Women for America, Alexandria, VA
Lisa Gennaro, Protecting South Dakota Kids Inc., Rapid City
Hollie Strand, Self, Internet Crimes Against Children, Rapid City
Norman Woods, SD Family Voice Action, Rapid City
Amy Bruner, Self, Sioux Falls
Joel Thayer, Self, Digital Progress Institute, Washington DC
Terry Dosch, Self, South Dakota Council of Mental Health Centers, Pierre

Opponents: Justin Hill, NetChoice, Washington

THE CHAIR DEFERRED SB 180 UNTIL UNTIL THIS AFTERNOON, FEB 18TH FROM 3:00 PM TO 5:00 PM OR 10 MINUTES AFTER SENATE ADJOURNS

MOTION: ADJOURN

Moved by: Hulse
Second by: Grove
Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ DAVID WHEELER

David Wheeler, Chair