

Committee: House Judiciary

Wednesday, February 19, 2020 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Borglum, Rep. Diedrich, Rep. Hammock, Rep. Latterell, Rep. Pischke, Rep. Rasmussen, Rep. Reimer, Rep. St. John, Rep. Cwach, Rep. Pourier, Rep. Johns, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: Amend Minutes of 2/12/2020 Bill 1205 -do pass vote corrected: Rep Latterell NAY vote

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

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

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

HB 1246 : revise the attorney's fees allowed in a retaliation action against a lessor.

Presented by: Representative Linda Duba
Proponents: Denise Hanzlak, SDMHA, Dell Rapids, SD
William Anderson, self, Sioux Falls, SD

MOTION: DO PASS HB 1246

Moved by: Barthel
Second by: Pourier
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1246 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1168 : revise tenant and landlord rights.

Presented by: Representative Tina Mulally
Opponents: Denise Hanzlak, SDMHA, Dell Rapids, SD

MOTION: TO TABLE HB 1168

Moved by: Pischke

Second by: Hammock
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

HB 1156 : to prohibit the conduct of certain physical examinations or screenings on students in a school district without parental consent.

Presented by: Representative Julie Frye-Mueller
Proponents: Representative Taffy Howard
Florence Thompson, South Dakota Parents Involved in Education
Tonchi Weaver, Citizens for Liberty
Representative Tina Mulally
Opponents: Wade Pogany, Associated School Boards of South Dakota
Rob Monson, School Administrators of South Dakota
Sam Nelson, Sioux Falls School District
Dianna Miller, Large School Group

MOTION: DEFER HB 1156 TO THE 41ST LEGISLATIVE DAY

Moved by: Cwach
Second by: Pourier
Action: Failed by Majority Members Elect (6-6-1-0)

Voting Yes: Barthel, Borglum, Reimer, Cwach, Pourier, and Johns

Voting No: Diedrich, Hammock, Latterell, Rasmussen, St. John, and Hansen

Excused: Pischke

MOTION: DO PASS HB 1156

Moved by: Borglum
Second by: St. John
Action: Prevailed by Majority Members Elect (7-5-1-0)

Voting Yes: Borglum, Diedrich, Hammock, Latterell, Rasmussen, St. John, and Hansen

Voting No: Barthel, Reimer, Cwach, Pourier, and Johns

Excused: Pischke

HB 1155 : exempt certain retirement funds from division of property in a divorce.

Presented by: Representative Julie Frye-Mueller
Proponents: Bruce Evans, self, Rapid City, SD Call-in
Wayne Bremer, self, Piedmont, SD
Opponents: Bob Riter, State Bar of SD, Pierre, SD

MOTION: DEFER HB 1155 TO THE 41ST LEGISLATIVE DAY

Moved by: Johns
Second by: Cwach
Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Barthel, Diedrich, Latterell, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

Voting No: Borglum, Hammock, and Pischke

HB 1158 : remove irreconcilable differences as a cause for divorce.

Presented by: Representative Tony Randolph
Proponents: Tony Monners, self, Hazel, SD
Opponents: Bob Riter, State Bar of SD, Pierre, SD
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls, SD

MOTION: DO PASS HB 1158

Moved by: Pischke
Second by: Latterell
Action: Failed by Majority Members Elect (3-10-0-0)

Voting Yes: Hammock, Latterell, and Pischke

Voting No: Barthel, Borglum, Diedrich, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

MOTION: DEFER HB 1158 TO THE 41ST LEGISLATIVE DAY

Moved by: Barthel
Second by: Pourier
Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Barthel, Borglum, Diedrich, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

Voting No: Hammock, Latterell, and Pischke

THE CHAIR DEFERRED HB 1108

HB 1244 : authorize forensic medical examinations for certain persons.

Presented by: Representative Tim Reed
Proponents: Brandy Rhead, self, Rapid City SD
Shelly Pfaff, self, Pierre, SD
Dan Cross, CSP of SD, Spearfish SD

MOTION: AMEND HB 1244

On page 1, line 7, of the Introduced bill, after "guardian " delete "or conservator "

On page 1, line 9, of the Introduced bill, after "guardian" delete " or conservator"

On page 1, line 10, of the Introduced bill, delete "take reasonable steps " and insert "make a good faith effort "

On page 1, line 10, of the Introduced bill, delete "or conservator that an examination has taken place" and insert "before the forensic medical examination that the patient provided informed consent for the examination and the examination will take place"

On page 1, line 11, of the Introduced bill, after "guardian " delete "or conservator "

Moved by: Reimer

Second by: Pischke

Action: Prevailed by voice vote

MOTION: DEFER HB 1244 UNTIL FRIDAY, FEBRUARY 21ST, 2020

MOTION: ADJOURN

Moved by: Cwach

Second by: Pischke

Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair