

Committee: House Judiciary

Monday, March 02, 2020 10:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

Minutes on 2/26/20 were corrected and passed as amended:

Nathan Lukkus, Board of Regents was removed from the opponent list.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 26TH

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

THE CHAIR DEFERRED SB 96 UNTIL WEDNESDAY, MARCH 4TH 2020

SB 148 : adopt the Uniform Power of Attorney Act.

Presented by: Representative Johns
Proponents: Andrew Knutson, State Bar of SD
Charlie McGuigan, Office of the Attorney General
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls, SD

MOTION: AMEND SB 148

148A

On page 4, line 3, of the Introduced bill, delete "(c) " and insert "(4) "
On page 32, line 16, of the Introduced bill, after "INSTRUCTIONS" delete " (OPTIONAL)"
On page 32, after line 16, of the Introduced bill, insert "(INITIAL if you wish for the agent to have
authority immediately and also during your later incapacity.)
(___) This power of attorney is effective immediately and shall not be affected by disability of the
principal.
"

On page 32, line 20, of the Introduced bill, after "incapacity." insert "
(INITIAL if you wish for the agent to have authority immediately but not during your later incapacity.)
(___) This power of attorney is effective immediately but shall terminate upon my later incapacity."

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

MOTION: DO PASS SB 148 AS AMENDED

Moved by: Reimer
Second by: Hammock

Action: Prevailed by Majority Members Elect (10-0-3-0)

Voting Yes: Barthel, Borglum, Hammock, Latterell, Pischke, Rasmussen, Reimer, Cwach, Johns, and Hansen

Excused: Diedrich, St. John, and Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 148 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 65 : revise certain provisions pertaining to trusts.

Presented by: Representative Johns

Proponents: Pat Goetzinger, Trust Task Force, Rapid City, SD
Brock Jensen, Department of Labor and Regulation
Senator Jeff Partridge
Terra Fisher, South Dakota Trust Association

MOTION: DO PASS SB 65

Moved by: Borglum

Second by: Barthel

Action: Prevailed by Majority Members Elect (10-0-3-0)

Voting Yes: Barthel, Borglum, Hammock, Latterell, Pischke, Rasmussen, Reimer, Cwach, Johns, and Hansen

Excused: Diedrich, St. John, and Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 65 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 176 : provide for the seizure and holding of real property as evidence.

Presented by: Senator Jack Kolbeck

Proponents: Dean Krogman, SDMHA, Brookings, SD
Aaron Scheibe, South Dakota State's Attorneys Association

MOTION: DO PASS SB 176

Moved by: Johns

Second by: Borglum

Action: Prevailed by Majority Members Elect (11-0-2-0)

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

Excused: St. John and Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 176 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 80 : revise certain sheriff's fees and costs.

Presented by: Representative Randy Gross
Proponents: Dick Tieszen, SD Sheriffs Association
Joe Bosman, Minnehaha County, Sioux Falls, SD

MOTION: DO PASS SB 80

Moved by: Barthel
Second by: Reimer
Action: Prevailed by Majority Members Elect (10-1-2-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Rasmussen, Reimer, Cwach, Johns, and Hansen

Voting No: Pischke

Excused: St. John and Pourier

SB 5 : provide immunity for qualified mental health professionals at appropriate regional facilities.

Presented by: Representative Michael Diedrich
Proponents: Terry Dosch, SD Council of Community Behavioral Health
Jeremy Johnson, Dept. of Social Services

MOTION: DO PASS SB 5

Moved by: Johns
Second by: Barthel
Action: Prevailed by Majority Members Elect (12-0-1-0)

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

Excused: St. John

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 5 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 119 : revise certain provisions regarding private placement insurance.

Presented by: Representative Michael Diedrich

MOTION: RECOMMEND REFERRAL OF SB 119 TO COMMERCE AND ENERGY

Moved by: Pischke
Second by: Hammock
Action: Prevailed by roll call vote (10-1-2-0)

Voting Yes: Barthel, Diedrich, Hammock, Pischke, Rasmussen, Reimer, Cwach, Pourier, Johns, and Hansen

Voting No: Latterell

Excused: Borglum and St. John

MOTION: ADJOURN

Moved by: Hammock

Second by: Rasmussen

Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair