

Committee: House Judiciary

Wednesday, January 20, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

Motion: Introduction of the following bills at the request of the Chief Justice

An Act to revise certain provisions regarding the Unified Judicial System.

An Act to modify the expenditures that are recoverable as disbursements by a prevailing party in a civil action or a special proceeding.

An Act to revise the requirement for written findings of fact and conclusions in certain judicial proceedings involving a child.

Motion: Introduction of the following bill at the request of the Office of the Governor

An Act to correct incorrect cross-references dealing with crimes and criminal procedures and repeal an obsolete section.

Moved by: Stevens

Second by: Rehfeldt

Action: Prevailed by roll call vote (13-0-0-0)

INFORMATIONAL BRIEFING

Unified Judicial System

Greg Sattizahn, State Court Administrator. Mr. Sattizahn gave an overview of the Judicial Court System along with slide show presentation. (Handout #1)

Office of Attorney General

Charles McGuigan, Deputy Attorney General. Mr. McGuigan gave an overview of the Attorney General's Office along with a slide show presentation. (Handout #2)

MOTION: ADJOURN

Moved by: Stevens
Second by: Cwach
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Friday, January 22, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 20TH

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

THE CHAIR DEFERRED HB 1061

MOTION: INTRODUCE A BILL AT THE REQUEST OF THE OFFICE OF THE GOVERNOR ENTITLED:

HB 1079 An Act to limit certain actions that may be taken by the executive branch relative to charitable organizations or charitable trusts.

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

HB 1060 : direct certain persons to notify funeral directors of communicable diseases or conditions.

Presented by: Representative Charlie Hoffman
Proponents: Jason Glodt, South Dakota Funeral Director
Tim Rave, South Dakota Association of Healthcare Organizations

MOTION: AMEND HB 1060

1060A

On page 1, line 6, of the Introduced bill, delete "The person who completes the medical certificate " and insert "For deaths occurring in a health care facility licensed under chapter 34-12, the health care facility "

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by voice vote

MOTION: DO PASS HB 1060 AS AMENDED

Moved by: Stevens
Second by: Reimer
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1060 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1043 : provide enhanced permit criteria for current and former law enforcement officers.

Presented by: Representative Kevin Jensen

Proponents: Jason Lutz, Secretary of State

Rob Weinmeister, Department of Public Safety

MOTION: DO PASS HB 1043

Moved by: Barthel

Second by: Sue Peterson

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

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1043 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Pischke

Second by: Stevens

Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Monday, January 25, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson,
Rep. Pischke, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John,
Rep. Stevens, and Rep. Hansen
Excused: Rep. Pourier

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 22ND

Moved by: Stevens
Second by: Barthel
Action: Prevailed by voice vote

HB 1071 : correct incorrect cross-references dealing with crimes and criminal procedures and repeal an obsolete section.

Presented by: Katie Hruska, Deputy General Counsel, Governor's Office

MOTION: DO PASS HB 1071

Moved by: Stevens
Second by: Sue Peterson
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer,
Soye, St. John, Stevens, and Hansen

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1071 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1068 : revise the requirement for written findings of fact and conclusions in certain judicial proceedings involving a child.

Presented by: Greg Sattizahn, State Court Administrator, United Judicial System
Paul Bachand, Attorney, South Dakota State's Attorneys Association

MOTION: AMEND HB 1068

1068A

On page 1, line 14, of the Introduced bill, delete "The" and insert " Written"
On page 1, line 14, of the Introduced bill, delete "not" and insert " only"
On page 1, line 14, of the Introduced bill, delete "to be in writing except in cases concerning an
alleged child in need of supervision or an alleged delinquent child when either a

contested evidentiary hearing occurs or the order of adjudication" and insert " in delinquency or child in need of supervision adjudicatory proceedings if there is a contested evidentiary hearing or if the disposition"

On page 2, line 17, of the Introduced bill, delete "The" and insert " Written"

On page 2, line 18, of the Introduced bill, delete "not" and insert " only"

On page 2, line 18, of the Introduced bill, delete "to be in writing except in cases concerning an alleged child in need of supervision or an alleged delinquent child when either a contested evidentiary hearing occurs or the final decree of " and insert " in delinquency or child in need of supervision dispositional proceedings if there is a contested evidentiary hearing or if the "

Moved by: Sue Peterson

Second by: Stevens

Action: Prevailed by voice vote

MOTION: DO PASS HB 1068 AS AMENDED

Moved by: Stevens

Second by: Rehfeldt

Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1068 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1069 : modify the expenditures that are recoverable as disbursements by a prevailing party in a civil action or a special proceeding.

Presented by: Greg Sattizahn, State Court Administrator, United Judicial System

MOTION: DO PASS HB 1069

Moved by: Pischke

Second by: Rehfeldt

Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Aylward

Excused: Pourier

HB 1070 : revise certain provisions regarding the Unified Judicial System.

Presented by: Greg Sattizahn, State Court Administrator, United Judicial System

MOTION: DO PASS HB 1070

Moved by: Stevens

Second by: Cwach
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Excused: Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1070 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Soye
Second by: Sue Peterson
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Wednesday, January 27, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 25TH

Moved by: Soye
Second by: Sue Peterson
Action: Prevailed by voice vote

SB 1 : codify legislation enacted in 2020.

Presented by: Justin Goetz, LRC Code Counsel, Pierre

MOTION: DO PASS SB 1

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

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 1 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 2 : modify the duties of the Code Commission.

Presented by: Justin Goetz, LRC Code Counsel, Pierre

MOTION: DO PASS SB 2

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 2 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: INTRODUCE A BILL AT THE REQUEST OF THE OFFICE OF THE GOVERNOR ENTITLED:

An Act to revise certain provisions regarding inspections and seizures by, the forfeitures involving, the Department of Game, Fish and Parks.

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

SB 5 : include a child's legal parents and custodians in the list of parties who may receive information related to reports of the child's abuse or neglect.

Presented by: Virgena Wieseler, Director of Child Protection Services, Department of Social Services, Pierre

MOTION: DEFER SB 5 UNTIL WEDNESDAY, FEBRUARY 03RD, 2021

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

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Monday, February 01, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 29TH

Moved by: Stevens
Second by: Barthel
Action: Prevailed by voice vote

HB 1079 : limit certain actions that may be taken by the executive branch relative to charitable organizations or charitable trusts.

Presented by: Mark Miller, General Counsel, Office of the Governor
Don Hagger, Americans for Prosperity for South Dakota, Arlington, South Dakota
Julie Johnson, Attorney, SD Nonprofit Network, Aberdeen ,South Dakota
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Matthew McCaulley, Lobbyist, Philanthropy Round Table, Harrisburg, South Dakota (Handout(s) Handout #1 Handout #2)
Dr. Russell Enns, South Dakota Right to Life, Piedmont, South Dakota
Norman Woods, Family Heritage Alliance Action, Rapid City, South Dakota

MOTION: AMEND HB 1079

1079A

On page 1, line 2, of the Introduced bill, delete "charitable organizations " and insert "nonprofit corporations "

On page 1, after line 3, of the Introduced bill, insert "

Section 1. That a NEW SECTION be added:

47-24-18. Definitions.

Terms as used in this Act mean:

(1) "Nonprofit corporation," as defined in § 47-22-1(4);

(2) "Charitable trust," as defined in section 4947(a)(1) of the United States Internal Revenue Code as amended and in effect on January 1, 2021.

"

On page 1, line 5, of the Introduced bill, after "added:" insert "47-24-19"

On page 1, line 7, of the Introduced bill, delete " make any annual filing or reporting that is required of a charitable organization or charitable trust under state statute or federal law more stringent, restrictive, or expansive except to the extent the organization or trust has received a state grant or contract, or if the organization or trust is the subject of a state fraud investigation or an enforcement action by the state" and insert " require any annual filing or reporting of a nonprofit corporation or charitable trust that is more stringent, restrictive, or expansive than that required by state or federal law"

On page 1, after line 11, of the Introduced bill, insert "

Section 3. That a NEW SECTION be added:**47-24-20. Exceptions.**

The provisions in § 47-24-19 do not apply to:

(1) Any information required to determine eligibility for or compliance with a state grant or contract; or

(2) Any information required for, or obtained in the course of, a state fraud investigation or an enforcement action by the state.

Any information obtained shall be confidential and its disclosure is restricted as provided by law.

"

Moved by: Sue Peterson

Second by: Odenbach

Action: Prevailed by voice vote

MOTION: DO PASS HB 1079 AS AMENDED

Moved by: Sue Peterson

Second by: Soye

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

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Cwach and Pourier

HB 1067 : modify identification requirements for a marriage license and to provide certain provisions for a name change.

Presented by: Representative Rebecca Reimer

Robert Nichols, Brown County Register of Deeds, Aberdeen, South Dakota

Julie Risty, Minnehaha Register of Deeds, Sioux Falls, South Dakota

Lana Anderson, Meade County Register of Deeds, Sturgis, South Dakota

Julie Herrboldt, Hutchinson County Register of Deeds, Olivet, South Dakota

MOTION: AMEND HB 1067

1067A

On page 1, line 16, of the Introduced bill, delete "Birth " and insert "Certified birth "

On page 1, line 17, of the Introduced bill, after "or

(4)" insert "Certified birth certificate, along with a "

Moved by: Odenbach

Second by: Aylward

Action: Prevailed by voice vote

MOTION: DO PASS HB 1067 AS AMENDED

Moved by: Stevens

Second by: Rehfeldt

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

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1067 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 13 : revise a statutory cross reference in the written waiver of right to a parole hearing or appearance.

Presented by: Doug Clark, Deputy Secretary, Department of Corrections

MOTION: DO PASS SB 13

Moved by: Pischke
Second by: Cwach
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 13 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 14 : limit the time children in need of supervision are held in detention under certain circumstances.

Presented by: Bridget Coppersmith, Department of Corrections (Handout(s) Handout #3)

MOTION: DO PASS SB 14

Moved by: Stevens
Second by: Cwach
Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Pischke

SB 15 : revise the voting requirements necessary for the board to grant or deny parole or recommend clemency.

Presented by: Doug Clark, Deputy Secretary, Department of Corrections

MOTION: DO PASS SB 15

Moved by: Cwach
Second by: Pischke
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 15 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

SB 16 : **revise the requirements of setting discretionary parole dates by the
board.**

Presented by: Doug Clark, Deputy Secretary, Department of Corrections

MOTION: DO PASS SB 16

Moved by: Sue Peterson

Second by: Soye

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

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt,
Reimer, Soye, St. John, Stevens, and Hansen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 16 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

MOTION: ADJOURN

Moved by: Pischke

Second by: Rehfeldt

Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Wednesday, February 03, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 01ST

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

MOTION: AMEND SB 5

5A

On page 1, line 1, of the Introduced bill, delete "custodians " and insert "guardians "
On page 1, line 23, of the Introduced bill, delete ", guardian, or custodian" and insert " or guardian"

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

MOTION: DO PASS SB 5 AS AMENDED

Moved by: Pischke
Second by: Sue Peterson
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Excused: St. John

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

**MOTION: INTRODUCE A BILL AT THE REQUEST OF THE OFFICE OF THE
GOVERNOR ENTITLED:**

An Act to protect the consumer in South Dakota

Moved by: Sue Peterson
Second by: Soye
Action: Prevailed by voice vote

HB 1052 : provide a rebuttable presumption in favor of joint physical custody of a minor child.

Presented by: Representative Tamara St. John

Proponents: Dr. Warren Ferrell, Author/Researcher "The Boys Crisis" New York, New York
Emma Johnson, Moms for Shared Parenting, New York, New York
Mark Ludwig, Executive Director, Americans for Equal Shared Parenting, St. Louis, Missouri
Carleen Wild Wilson, self, Flandreau, South Dakota
Spencer Wrightsman, self, Sioux Falls, South Dakota

Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls (Handout(s) Handout #1)
Steve Seigel, Lobbyist, South Dakota Trail Lawyers, Pierre, South Dakota
April LeBeau, self, Oacoma, South Dakota
Lindsey Compton, Executive Director of the White Buffalo Society, Misson, South Dakota

MOTION: DEFER HB 1052 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Pourier
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1052

Moved by: Pischke
Second by: Aylward
Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Aylward, Pischke, Soye, St. John, and Hansen

Voting No: Barthel, Cwach, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, and Stevens

Revert to previous motion**MOTION: DEFER HB 1052 TO THE 41ST LEGISLATIVE DAY**

Moved by: Stevens
Second by: Pourier
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, and Stevens

Voting No: Aylward, Pischke, Soye, St. John, and Hansen

House Judiciary committee recessed for 5 minutes.

HB 1061 : prohibit smoking marijuana and its derivatives in a motor vehicle and create a penalty therefor.

Presented by: Representative Mary Fitzgerald

Proponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls
Jason Husby, Department of Public Safety, Pierre, South Dakota
Jeremiah Murphy, Lobbyist, New Industry Association, Rapid City, South Dakota (Handout(s) Handout #2)
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Emmett Reistraffer, Johnson Properties LLC, Rapid City, South Dakota
Yvonne Taylor, South Dakota Municipal League, Fort Pierre, South Dakota
Charles McGuigan, Deputy Director, Attorney General Office, Pierre, South Dakota
Kitt Jeffries, Dakota Cannabis Consulting, Rapid City, South Dakota
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: AMEND HB 1061

1061B

On page 1, line 1, of the Introduced bill, after "smoking " insert "and consuming "

On page 1, line 7, of the Introduced bill, delete "Class 2" and insert " Class 1"

On page 1, line 8, of the Introduced bill, after "vehicle" delete " smokes marijuana or marijuana concentrate while the vehicle is being operated. "

On page 1, line 9, of the Introduced bill, after "operated. " insert ":

- (1) Smokes marijuana or marijuana concentrate;
- (2) Consumes any product containing marijuana or an extract of marijuana; or
- (3) Possesses any package or receptacle containing marijuana, marijuana concentrate, or a product containing marijuana or an extract of marijuana unless the seal of the original package remains unbroken.

"

On page 1, line 20, of the Introduced bill, after "facility;

- (3) Smoking " insert "or consuming "

On page 1, line 23, of the Introduced bill, delete the period and insert "; or"

Moved by: Odenbach

Second by: Rehfeldt

Action: Prevailed by voice vote

THE CHAIR DEFERRED HB 1061 UNTIL FRIDAY, FEBRUARY 05TH 2021**MOTION: ADJOURN**

Moved by: Odenbach

Second by: Soye

Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Friday, February 05, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke,
Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John,
Rep. Stevens, and Rep. Hansen
Excused: Rep. Cwach

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 03RD

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

HB 1061 : prohibit smoking marijuana and its derivatives in a motor vehicle and create a penalty therefor.

Presented by: Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

THE CHAIR DEFERRED HB 1061 UNTIL MONDAY, FEBRUARY 08TH 2021

HB 1102 : revise certain definitions for sex offender registry.

Presented by: Representative Doug Barthel
Proponents: Dave Johnson, President, Glory House, Sioux Falls, South Dakota
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Rapid City

MOTION: DO PASS HB 1102

Moved by: Stevens
Second by: Pischke
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Pourier

Excused: Cwach

Representative Stevens was passed the gavel during HB 1114

HB 1114 : provide a definition of abortion.

Presented by: Representative Jon Hansen
Proponents: Mark Miller, General Counsel, Office of the Governor

Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Debbie Pease, Family Heritage Action, Rapid City, South Dakota
Chris Motz, South Dakota Catholic Conference, Sioux Falls

MOTION: DO PASS HB 1114

Moved by: Sue Peterson
Second by: Soye
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt,
Reimer, Soye, St. John, Stevens, and Hansen

Excused: Cwach

SB 78 : modify certain provisions related to trusts.

Presented by: Representative Will Mortenson
Proponents: Bret Afdahl, Director of Division of Banking, Pierre, South Dakota
Terra Fisher-Larson, South Dakota Trust Association, Rapid City
Pat Goetzinger, Attorney, Governor's Trust Taskforce, Rapid City, South
Dakota

MOTION: DO PASS SB 78

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

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt,
Reimer, Soye, St. John, Stevens, and Hansen

Excused: Cwach

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 78 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Monday, February 08, 2021 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. Stevens, and Rep. Hansen

Excused: Rep. Aylward and Rep. St. John

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 05TH

Moved by: Pischke

Second by: Barthel

Action: Prevailed by voice vote

HB 1061 : prohibit smoking marijuana and its derivatives in a motor vehicle and create a penalty therefor.

THE CHAIR DEFERRED HB 1061 UNTIL WEDNESDAY, FEBRUARY 17TH 2021

HB 1150 : provide definitions regarding the crime of rape.

Presented by: Representative Tim Reed (Handout(s) #1)

Proponents: Michael Moore, State's Attorney Beadle County, Huron, South Dakota
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls

MOTION: DO PASS HB 1150

Moved by: Barthel

Second by: Rehfeldt

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

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Excused: Aylward and St. John

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1150 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1086 : allow succession to real property by an affidavit.

Presented by: Representative Ryan Cwach

Proponents: Eric Hanson, President, Dakota Homestead Title Insurance Company, Sioux Falls, South Dakota

Opponents: Matt McCauley, Attorney, Land Title Association, Sioux Falls, South Dakota

MOTION: DO PASS HB 1086

Moved by: Pourier
Second by: Cwach
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DEFER HB 1086 UNTIL WEDNESDAY,
FEBRUARY 10TH, 2021**

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

**SB 60 : revise the membership of the Law Enforcement Officers Standards
Commission.**

Presented by: Jason Ravnsborg, Attorney General of South Dakota
Rachel Oglesby, Governor's Office

MOTION: AMEND SB 60

60B

On page 1, line 9, of the Senate Judiciary bill, remove the overstrikes from "eight "
On page 1, line 9, of the Senate Judiciary bill, after "eight " delete "ten "

Moved by: Barthel
Second by: Pourier
Action: Prevailed by voice vote

MOTION: DO PASS SB 60 AS AMENDED

Moved by: Barthel
Second by: Odenbach
Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer,
Soye, Stevens, and Hansen

Excused: Aylward and St. John

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 60 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

SB 62 : revise certain provisions regarding appeals by the prosecution.

Presented by: Jason Ravnsborg, Attorney General of South Dakota
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South
Dakota

MOTION: DO PASS SB 62

Moved by: Soye

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

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Excused: Aylward and St. John

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 62 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

MOTION: ADJOURN

Moved by: Rehfeldt
Second by: Sue Peterson
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Wednesday, February 10, 2021 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier,
Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and
Rep. Hansen
Present (Remote): Rep. Aylward
Excused: Rep. Cwach

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 08TH

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

THE CHAIR DEFERRED HB 1086

HB 1191 : allow an expedited process for local intergovernmental legal disputes.

Presented by: Representative Scott Odenbach
Proponents: Russell Crago, self, New Market, AL
Greg Sattizahn, State Court Administrator United Judicial System

MOTION: DO PASS HB 1191

Moved by: Stevens
Second by: Soye
Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Aylward, Barthel, Odenbach, Pischke, Pourier, Rehfeldt, Reimer, Soye, St.
John, Stevens, and Hansen

Excused: Cwach and Sue Peterson

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1191 AS
UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT
CALENDAR.**

HB 1184 : revise provisions on aiding, abetting, or advising.

Presented by: Representative Tom Pischke
Proponents: Anne Rice, self, Dell Rapids, South Dakota (Handout(s) 1)
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,
South Dakota (Handout(s) 2)
Steve Seigel, Lobbyist, South Dakota Trial Lawyers, Pierre, South Dakota
Julia Rice, self, Dell Rapids, South Dakota
Opponents: Randy Sample, self, Sioux Falls, South Dakota
Jason Ravnsborg, Attorney General of South Dakota

Aaron Scheibe, Lobbyist, States Attorney Association, Pierre, South Dakota

MOTION: DEFER HB 1184 TO THE 41ST LEGISLATIVE DAY

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

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Voting No: Pischke and St. John

Excused: Cwach

HB 1185 : reduce the penalty for manslaughter.

Presented by: Representative Tom Pischke

Proponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota (Handout(s) #1)
Anne Rice, self, Dell Rapids, South Dakota

Alyson Lynch, self, Chamberlain, South Dakota
Opponents: Randy Sample, self, Sioux Falls, South Dakota
Jason Ravnsborg, Attorney General of South Dakota
Aaron Scheibe, Lobbyist, States Attorney Association, Pierre, South Dakota

MOTION: DEFER HB 1185 TO THE 41ST LEGISLATIVE DAY

Moved by: Barthel
Second by: Reimer
Action: Prevailed by Majority Members Elect (9-3-1-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Voting No: Aylward, Pischke, and St. John

Excused: Cwach

HB 1132 : add dental hygienists to the list of mandatory reporters of child abuse or neglect.

Presented by: Representative Erin Healy (Handout(s) 3)

Proponents: Carrie Sanderson, Director, Center of the Prevention of Child Maltreatment, Sioux Falls, South Dakota

MOTION: DO PASS HB 1132

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

Voting Yes: Aylward, Barthel, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Excused: Cwach, Odenbach, and Soye

MOTION: ADJOURN

Moved by: Pischke

Second by: Rehfeldt

Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Wednesday, February 17, 2021 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Reimer, Rep. Soye, Rep. Stevens, and Rep. Hansen

Present (Remote): Rep. Aylward, Rep. Cwach, Rep. Pourier, Rep. Rehfeldt, and Rep. St. John

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 10TH

Moved by: Barthel

Second by: Pischke

Action: Prevailed by Unanimous Consent

THE CHAIR DEFERRED HB 1075

HB 1204 : revise criminal provisions regarding certain visual recordings or photographic devices.

Presented by: Representative Jess Olson

Proponents: Jessi Drury, self, Hermosa, South Dakota

Representative Becky Drury

Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls

MOTION: DO PASS HB 1204

Moved by: Stevens

Second by: Reimer

Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Excused: Soye

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1204 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1086 : allow succession to real property by an affidavit.

Presented by: Representative Ryan Cwach

Opponents: Matt McCauley, Attorney, Land Title Association, Sioux Falls, South Dakota

Brett Koenecke, South Dakota Bankers Association, Pierre

MOTION: AMEND HB 1086

1086A

On page 1, line 5, of the Introduced bill, delete "Thirty " and insert "Sixty "

On page 1, line 6, of the Introduced bill, after "state" insert ", except for real property classified as agricultural land for tax purposes,"

On page 1, line 7, of the Introduced bill, delete "the " and insert "such "

On page 1, line 8, of the Introduced bill, delete "the " and insert "such "

On page 2, line 4, of the Introduced bill, after "decedent; " insert "

(8) That the transfer of title is not subject to a transfer fee pursuant to subdivision 43-4-22(18); "

On page 2, line 5, of the Introduced bill, delete "(8)" and insert "(9)"

On page 2, after line 15, of the Introduced bill, insert "

Section 2. That § 7-9-7 be AMENDED.

7-9-7. Names, addresses, and descriptions required in recorded instruments--Certificate of value.

No register of deeds may accept for record in the office of the register of deeds:

- (1) Any deed, affidavit terminating joint tenancy or life estate interests, or oil, gas, or other mineral lease, or affidavit for succession to real property pursuant to § 29A-3-1203 that does not include the names of the grantor and the grantee or the lessor and the lessee, the names of the joint tenant, the post office address of the grantee or lessee, and a legal description of the property conveyed or leased;
- (2) Any mortgage that does not include the names of the mortgagor and the mortgagee, the post office address of the mortgagee, a legal description of the property, and the amount of the mortgage and when it is due;
- (3) Any assignment of mortgage or oil, gas, or other mineral lease that does not include the names of the assignor and the assignee, the post office address of the assignee, and a legal description of the property;
- (4) Any deed or contract for deed dated after July 1, 1988, used in the purchase, exchange, transfer, or assignment of interest in real property that is not accompanied by a certificate of value containing the name and address of the buyer and seller, the legal description of the real property, the actual consideration exchanged for the real property, the relationship of the seller and buyer, if any, and the terms of payment if other than payment in full at the time of sale; or
- (5) A transfer on death deed, pursuant to §§ 29A-6-401 to 29A-6-435, inclusive, is exempt from completing and submitting the certificate of value as set forth in subdivision (4) of this section.

"

Moved by: Cwach

Second by: Barthel

Action: Prevailed by Unanimous Consent (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

MOTION: DEFER HB 1086 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens

Second by: Odenbach

Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Aylward, Cwach, Pischke, and Pourier

HB 1233 : require certain products contain digital blocking capability, establish a deactivation fee, and establish the human trafficking and child exploitation prevention fund.

Presented by: Representative Tony Randolph

Proponents: Tiffany Marler, self, St. Louis, Missouri

Christine Wiehle, One Heart Ministries, Minnesota

Opponents: Bill Van Camp, Lobbyist, AT&T, Pierre, South Dakota

Elizabeth Ellis, VP of State Government Affairs of the Motion Pictures of America

Samantha Kersul, Tech Net, Olympia, Washington

Drew Duncan, Lobbyist, Sioux Falls, South Dakota

Greg Dean, South Dakota Telecommunications Association, Pierre

Doug Abraham, South Dakota Retailers Association, Pierre

Justin G. Smith, Midcontinent Corporation, Sioux Falls

MOTION: DEFER HB 1233 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens

Second by: Barthel

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1233 UNTIL WEDNESDAY, FEBRUARY 24TH, 2021

Moved by: Sue Peterson

Second by: Soye

Action: Failed by Majority Members Present (2-9-2-0)

Voting Yes: Sue Peterson and Soye

Voting No: Aylward, Barthel, Cwach, Odenbach, Pourier, Rehfeldt, St. John, Stevens, and Hansen

Excused: Pischke and Reimer

Revert to previous motion

MOTION: DEFER HB 1233 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens

Second by: Barthel

Action: Prevailed by Majority Members Elect (9-2-2-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Pourier, Rehfeldt, St. John, Stevens, and Hansen

Voting No: Sue Peterson and Soye

Excused: Pischke and Reimer

HB 1236 : remove irreconcilable differences as a cause for divorce.

Presented by: Representative Tony Randolph

Proponents: Danial Woodard, Self, Washington, D.C.

Opponents: Robert Riter, State Bar of South Dakota, Pierre, South Dakota
Linda Lea Viken, Attorney, Rapid City, South Dakota
Steve Seigel, Lobbyist, South Dakota Trial Lawyers, Pierre, South Dakota

MOTION: DEFER HB 1236 TO THE 41ST LEGISLATIVE DAY

Moved by: Barthel

Second by: Stevens

Action: Prevailed by Majority Members Elect (9-3-1-0)

Voting Yes: Barthel, Cwach, Odenbach, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Voting No: Aylward, Sue Peterson, and Soye

Excused: Pischke

MOTION: ADJOURN

Moved by: Barthel

Second by: Reimer

Action: Prevailed by Unanimous Consent

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Monday, February 22, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Pischke,
Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John,
Rep. Stevens, and Rep. Hansen

Present (Remote): Rep. Sue Peterson

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 17TH

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by Unanimous Consent

HB 1223 : prohibit certain social media censorship.

Presented by: Representative Phil Jensen
Opponents: Carl Szabo, Net Choice, Washington DC
Others: Samantha Fillmore, Heartland Institute, Chicago, Illinois

MOTION: DEFER HB 1223 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Cwach
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1223

Moved by: Odenbach
Second by: Soye
Action: Prevailed by roll call vote (8-5-0-0)

Voting Yes: Aylward, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, and St. John

Voting No: Barthel, Cwach, Pourier, Stevens, and Hansen

HB 1178 : rescind the statute of limitations for any civil cause of action arising out of childhood sexual abuse.

Presented by: Representative Peri Pouier
Proponents: Marci Hamilton, CEO & Legal Director, Child USA, Washington Crossing, PA
Pam Cole, self, Sioux Falls, South Dakota
Remi Bald Eagle, self, Eagle Butte
Kevin Killer, President of the Oglala Sioux Tribe
Opponents: Justin Bell, St. Joseph Indian School, Chamberlain (Handout(s) 1)
Brett Koenecke, SD Synod Evangelical Lutheran Church in America, Pierre, South Dakota

Doug Abraham, American Property Casualty Insurance Association, Chicago

MOTION: DEFER HB 1178 TO THE 41ST LEGISLATIVE DAY

Moved by: Barthel
Second by: Reimer
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: WITHOUT RECOMMENDATION HB 1178

Moved by: Pourier
Second by: St. John
Action: Failed by roll call vote (2-10-1-0)

Voting Yes: Pourier and St. John

Voting No: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Excused: Cwach

Revert to previous motion

MOTION: DEFER HB 1178 TO THE 41ST LEGISLATIVE DAY

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

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Voting No: Pourier and St. John

Excused: Cwach

HB 1181 : authorize the revival of certain civil claims.

Presented by: Representative Peri Pouier

Proponents: Marci Hamilton, CEO & Legal Director, Child USA, Washington Crossing, PA
Pam Cole, self, Sioux Falls, South Dakota
Remi Bald Eagle, self, Eagle Butte
Ross B Garelick Bear, Crow Creek Sioux Tribe, Rosebud Sioux Tribe and Yankton Sioux Tribe

Kevin Killer, President of the Oglala Sioux Tribe
Alice Hanan, Staff Attendant, Child USA, Washington Crossing PA
Opponents: Justin Bell, St. Joseph Indian School, Chamberlain
Brett Koenecke, SD Synod Evangelical Lutheran Church in America, Pierre, South Dakota
Doug Abraham, American Property Casualty Insurance Association, Chicago

MOTION: DEFER HB 1181 TO THE 41ST LEGISLATIVE DAY

Moved by: Rehfeldt
Second by: Barthel
Action: Prevailed by Majority Members Elect (9-2-2-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Soye, Stevens, and Hansen

Voting No: Pourier and St. John

Excused: Cwach and Reimer

HB 1186 : revise certain provisions regarding sentencing.

Presented by: Representative Tom Pischke

MOTION: TO TABLE HB 1186

Moved by: Barthel
Second by: Pischke
Action: Prevailed by roll call vote (9-0-4-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Soye, Stevens, and Hansen

Excused: Cwach, Pourier, Reimer, and St. John

HB 1160 : prohibit driving a motor vehicle while exceeding the legal limit of delta 9-tetrahydrocannabinol.

Presented by: Representative Mary Fitzgerald

Proponents: John Fitzgerald, Lawrence County State's Attorney
Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre
Jason Husby, Department of Public Safety, Pierre, South Dakota

Opponents: Emmitt Reistroffer, Johnson Properties LLC, Sioux Falls, South Dakota
(Handout(s) 1,2)
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota
John Fitzgerald, Lawrence County State's Attorney

MOTION: DEFER HB 1160 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Voting No: Soye

Excused: Cwach

HB 1061 : prohibit smoking and consuming marijuana and its derivatives in a motor vehicle and create a penalty therefor.

Presented by: Representative Mary Fitzgerald

Proponents: John Fitzgerald, Lawrence County State's Attorney

MOTION: AMEND HB 1061

1061G

On the Introduced bill, delete the previously adopted amendment (1061B).

On page 1, line 1, after "smoking" insert " and consuming"

On page 1, line 7, after "person " delete "occupying, "

On page 1, line 7, after "operating" delete the comma

On page 1, line 8, after "smokes" insert " or consumes"

On page 1, line 9, after "section" insert " and § 22-42-25"

On page 1, after line 11, insert "

Section 2. That a NEW SECTION be added:

22-42-25. Passenger--Use of marijuana--Motor vehicle--Misdemeanor.

While a motor vehicle is located upon a public highway or the right-of-way of a public highway, it is a Class 2 misdemeanor if any person occupying a motor vehicle smokes marijuana or marijuana concentrate while the vehicle is being operated.

"

On page 1, line 12, after "resin." delete "Section 2. That § 34-20G-18 be AMENDED.

"

On page 1, line 13, after "AMENDED." delete "34-20G-18. "

On page 1, line 13, after "34-20G-18. " delete "[Effective July 1, 2021] Unauthorized conduct. "

On page 1, line 13, after "conduct. " delete "

This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalty for engaging in, the following conduct:

- (1) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;
- (2) Possessing cannabis or otherwise engaging in the medical use of cannabis in any correctional facility;
- (3) Smoking cannabis or cannabis products:
 - (a) On any form of public transportation; or
 - (b) In any public place or any place that is open to the public; or
 - (c) In violation of § 22-42-24.
- (4) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis, except that a registered qualifying patient or nonresident cardholder is not considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment."

Moved by: Stevens

Second by: Barthel

Action: Prevailed by voice vote

MOTION: DO PASS HB 1061 AS AMENDED

Moved by: Stevens

Second by: Barthel

Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Voting No: Pischke

Excused: Pourier

MOTION: ADJOURN

Moved by: Reimer

Second by: Pischke

Action: Prevailed by Unanimous Consent

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Wednesday, February 24, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 22ND

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

HB 1154 : prohibit employment contracts restricting competitive health care practices.

Presented by: Representative Fred Deutsch

Proponents: Don Hagger, Americans for Prosperity for South Dakota, Arlington, South Dakota

Jeremy Storm, M.D. self, Sioux Falls, South Dakota

Dean Krogman, State Medical Association SD, Sioux Falls

Dr. Scott VanKeulen, M.D. self, Mitchell, South Dakota

Sam Nelson, South Dakota Association of Nurse Anesthetists

Opponents: Tim Rave, South Dakota Association of Healthcare Organizations, Sioux Falls

Deb Fischer-Clemens, Avera Health, Sioux Falls

Mitchel Rave, Sandford Health, Sioux Falls, South Dakota

MOTION: AMEND HB 1154

1154B

On page 2, line 5, of the Introduced bill, after "practice" delete ", if the restriction does not extend for more than two years"

On page 2, line 9, of the Introduced bill, after "36-4A;

(3)" insert "A certified nurse practitioner licensed in accordance with chapter 36-9A;

(4) A certified nurse midwife licensed in accordance with chapter 36-9A;

(5) "

On page 2, line 11, of the Introduced bill, delete "(4)" and insert "(6)"

On page 2, line 12, of the Introduced bill, delete "(5)" and insert "(7)"

Moved by: Sue Peterson

Second by: Rehfeldt

Action: Prevailed by voice vote

MOTION: DO PASS HB 1154 AS AMENDED

Moved by: Aylward

Second by: Soye

Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Aylward, Odenbach, Sue Peterson, Rehfeldt, Soye, St. John, and Hansen

Voting No: Barthel, Cwach, Pischke, Pourier, Reimer, and Stevens

HB 1075 : limit directives and incentives for extreme risk protection orders and to provide a penalty.

Presented by: Representative Aaron Alyward

Proponents: Brenden Boudreau, Director of Field Operations, National Association of Gun Rights, Loveland, Colorado
Luke Balzer, self, Rapid City, South Dakota

MOTION: AMEND HB 1075

1075B

On page 1, line 10, of the Introduced bill, after "resident" insert ", in order to reduce the risk of physical harm to himself, herself, or another,"

On page 1, line 11, of the Introduced bill, after "firearms" insert " or ammunition"

On page 1, line 12, of the Introduced bill, after "firearm" insert " or ammunition"

On page 1, line 23, of the Introduced bill, after "felony." insert "

Nothing in this section affects the issuance of a protection order under chapter 22-19A, in cases of stalking, physical injury as a result of an assault, or crimes of violence, or under chapter 25-10, in cases of domestic abuse. "

Moved by: Odenbach

Second by: Stevens

Action: Prevailed by voice vote

MOTION: DO PASS HB 1075 AS AMENDED

Moved by: Sue Peterson

Second by: Soye

Action: Prevailed by roll call vote (10-3-0-0)

Voting Yes: Aylward, Barthel, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, and Hansen

Voting No: Cwach, Pourier, and Stevens

The Chair announced the committee would be at recess to later reconvene 10 minutes after the House recesses in Room 413.

The House Judiciary committee reconvened at 5:25PM

HB 1164 : establish certain provisions related to law enforcement.

Presented by: Representative Shawn Bordeaux

Opponents: Charles McGuigan, Chief Deputy, Office of the Attorney General
Jason Husby, Department of Public Safety, Pierre, South Dakota

MOTION: DEFER HB 1164 TO THE 41ST LEGISLATIVE DAY

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HB 1080 : increase the enhanced penalty for the crime of simple assault.

Presented by: Representative Tim Reed

Proponents: Dan Nelson, Brookings State's Attorney, Brookings, South Dakota
Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,
South Dakota (Handout(s) 1)

MOTION: AMEND HB 1080

1080A

On page 1, line 16, of the Introduced bill, after "section" insert " or under the comparable law of any other state"

On page 1, line 17, of the Introduced bill, after "§ 22-18-1.05" insert " or under the comparable law of any other state"

On page 1, line 17, of the Introduced bill, after "§ 22-18-1.1" insert " or under the comparable law of any other state"

On page 1, line 17, of the Introduced bill, after "§ 22-18-26" insert " or under the comparable law of any other state"

On page 1, line 18, of the Introduced bill, after "§ 22-18-26.1" insert " or under the comparable law of any other state"

On page 1, line 18, of the Introduced bill, after "§ 22-18-29" insert " or under the comparable law of any other state,"

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

MOTION: DO PASS HB 1080 AS AMENDED

Moved by: Barthel
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Barthel, Sue Peterson, Pourier, Rehfeldt, Soye, St. John, Stevens, and Hansen

Voting No: Aylward, Cwach, Odenbach, Pischke, and Reimer

HB 1081 : increase the penalty for protection order violations.

Presented by: Representative Tim Reed

Proponents: Dan Nelson, Brookings State's Attorney, Brookings, South Dakota
Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre

Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,
South Dakota (Handout(s) 1)

MOTION: AMEND HB 1081

1081A

On page 1, line 11, of the Introduced bill, after "§ 25-10-13, " insert "or the comparable laws of any other state, "

On page 1, line 25, of the Introduced bill, after "§ 25-10-13, " insert "or the comparable laws of any other state, "

On page 2, line 17, of the Introduced bill, after "§ 22-19A-16," insert " or the comparable laws of any other state,"

Moved by: Reimer

Second by: Odenbach

Action: Prevailed by voice vote

MOTION: DO PASS HB 1081 AS AMENDED

Moved by: Stevens

Second by: Barthel

Action: Prevailed by roll call vote (8-4-1-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Voting No: Aylward, Cwach, Pischke, and Soye

Excused: Pourier

HB 1096 : provide a penalty for sexual contact with a minor by a person holding a position of authority.

Presented by: Representative Tim Reed

Proponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Cam Corey, Department of Criminal Investigation, Pierre, South Dakota
Representative Charlie Hoffman

Opponents: Aaron P Scheibe, South Dakota State's Attorneys Association, Pierre
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,
South Dakota (Handout(s) 1)

MOTION: AMEND HB 1096

1096A

On page 1, line 7, of the Introduced bill, delete "3 " and insert "4 "

On page 1, line 9, of the Introduced bill, delete "two " and insert "five "

Moved by: Rehfeldt

Second by: Odenbach

Action: Prevailed by voice vote

MOTION: DO PASS HB 1096 AS AMENDED

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

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Rehfeldt, Reimer, Soye, St. John, and Stevens

Voting No: Pischke and Hansen

Excused: Pourier

MOTION: ADJOURN

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by voice vote

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Monday, March 01, 2021 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke,
Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John,
Rep. Stevens, and Rep. Hansen
Excused: Rep. Aylward

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, MARCH 26TH

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

Rep Stevens was passed the gavel going forward.

SB 146 : revise certain provisions regarding eligibility for parole for certain persons sentenced to life imprisonment.

Presented by: Representative Charlie Hoffman

Proponents: Senator Arthur Rusch (Handout(s) 1)
Dr. Steve Manlove, self, Rapid City, South Dakota
Darrel Middleton, self, Lower Brule, South Dakota
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota
Steve Seigel, Lobbyist, South Dakota Trail Lawyers, Pierre, South Dakota
Denny Davis, South Dakota for Alternatives to the Death Penalty, Vermillion, South Dakota
Opponents: Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Charles McGuigan, Chief Deputy, Office of the Attorney General (Handout(s) 2)

MOTION: DEFER SB 146 TO THE 41ST LEGISLATIVE DAY

Moved by: Barthel
Second by: Reimer
Action: Prevailed by roll call vote (9-2-2-0)

Voting Yes: Barthel, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, and Stevens

Voting No: Cwach and St. John

Excused: Aylward and Hansen

SB 135 : reform training requirements for law enforcement officers.

Presented by: Rachel Oglesby, Governor's Office

Proponents: Charles McGuigan, Chief Deputy, Office of the Attorney General
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

MOTION: DO PASS SB 135

Moved by: Sue Peterson

Second by: Rehfeldt

Action: Prevailed by roll call vote (10-0-3-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Rehfeldt, Reimer, Soye, St. John, and Stevens

Excused: Aylward, Pourier, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 135 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 174 : revise provisions related to the automatic removal of certain charges or convictions from a defendant's public record.

Presented by: Representative David Wheeler

Proponents: Steve Seigel, Lobbyist, South Dakota Trail Lawyers, Pierre, South Dakota

MOTION: DO PASS SB 174

Moved by: Barthel

Second by: Rehfeldt

Action: Prevailed by roll call vote (11-0-2-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, and Stevens

Excused: Aylward and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 174 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 193 : revise certain provisions regarding remote notarization.

Presented by: Representative David Wheeler

Proponents: Eric Hanson, self, Sioux Falls, South Dakota
Roger Tellinghuisen, South Dakota Association of County Officials, Pierre
Rachel Oglesby, Governor's Office
Matt McCauley, Attorney, Land Title Association, Sioux Falls, South Dakota

MOTION: DO PASS SB 193

Moved by: Odenbach

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

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, and Stevens

Voting No: Soye

Excused: Aylward and Hansen

SB 141 : revise the automatic removal of certain convictions from a background check record.

Presented by: Representative Tamara St. John

Proponents: Senator Michael Rohl
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota

Opponents: Emmitt Reistroffer, Johnson Properties LLC, Sioux Falls, South Dakota
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Bridget Coppersmith, Department of Corrections

Rep Hansen was passed back the gavel at this point forward.

MOTION: DO PASS SB 141

Moved by: Rehfeldt
Second by: Pischke
Action: Prevailed by roll call vote (7-4-2-0)

Voting Yes: Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, and St. John

Voting No: Barthel, Soye, Stevens, and Hansen

Excused: Aylward and Reimer

SB 176 : adopt the Uniform Faithful Presidential Electors Act.

Presented by: Representative Mike Stevens

MOTION: DO PASS SB 176

Moved by: Barthel
Second by: Cwach
Action: Failed by roll call vote (5-5-3-0)

Voting Yes: Barthel, Cwach, Rehfeldt, Stevens, and Hansen

Voting No: Odenbach, Sue Peterson, Pischke, Soye, and St. John

Excused: Aylward, Pourier, and Reimer

MOTION: DEFER SB 176 UNTIL WEDNESDAY, MARCH 03RD, 2021

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by roll call vote (9-1-3-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Rehfeldt, St. John, Stevens, and Hansen

Voting No: Soye

Excused: Aylward, Pourier, and Reimer

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair

Committee: House Judiciary

Wednesday, March 03, 2021 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson, Rep. Pischke, Rep. Pourier, Rep. Rehfeldt, Rep. Reimer, Rep. Soye, Rep. St. John, Rep. Stevens, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, MARCH 01ST

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

SB 126 : establish the crime of possession, manufacturing, or distribution of obscene dolls.

Presented by: Senator Jessica Castleberry
Proponents: Carrie Sanderson, Director, Center of the Prevention of Child Maltreatment, Sioux Falls
Katie Hruska, Deputy General Counsel, Governor's Office
Lisa Gennero, Concerned Women for America, Keystone, South Dakota
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Staci Ackerman, South Dakota Sheriffs Association, Eureka

MOTION: DO PASS SB 126

Moved by: Sue Peterson
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Excused: Soye

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 126 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 148 : establish the crime of torture of a human trafficking victim and provide a penalty therefor.

Presented by: Senator Michael Diedrich
Proponents: Lisa Gennero, Concerned Women for America, Keystone, South Dakota
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

MOTION: DO PASS SB 148

Moved by: Sue Peterson
Second by: Odenbach
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Excused: Soye

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

SB 79 : make certain uses of laser pointers unlawful.

Presented by: Representative Doug Barthel
Proponents: Staci Ackerman, South Dakota Sheriffs Association, Eureka
Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota
Opponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota

MOTION: DO PASS SB 79

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Excused: Soye

SB 95 : provide immunity for actions assisting an impaired lawyer or judge.

Presented by: Senator Tim Johns
Proponents: Andy Fergel, Executive Director of the State Bar, Pierre, South Dakota
Greg Sattizahn, State Court Administrator United Judicial System
Steve Seigel, Lobbyist, South Dakota Trial Lawyers, Pierre, South Dakota
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota

MOTION: DO PASS SB 95

Moved by: Stevens
Second by: Odenbach
Action: Prevailed by roll call vote (11-0-2-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Excused: Aylward and Soye

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 95 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 75 : correct an error in a statutory cross-reference within the Uniform Limited Liability Company Act.

Presented by: Andy Fergel, Executive Director of the State Bar, Pierre, South Dakota

MOTION: DO PASS SB 75

Moved by: Pischke
Second by: Rehfeldt
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

Excused: Aylward

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 75 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 173 : revise certain provisions related to competency hearings.

Presented by: Senator David Wheeler (Handout(s) 1)

Proponents: Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre, South Dakota
Tim Neyhart, Disability Rights South Dakota, Pierre
Charles McGuigan, Chief Deputy, Office of the Attorney General

Opponents: Paul Bachand, South Dakota State's Attorneys Association, Pierre, South Dakota

MOTION: DO PASS SB 173

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Aylward, Barthel, Cwach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, St. John, Stevens, and Hansen

Voting No: Odenbach and Soye

SB 176 : adopt the Uniform Faithful Presidential Electors Act.

Presented by: Senator Tim Johns

Proponents: Kea Warne, Office of Secretary of State

MOTION: DEFER SB 176 TO THE 41ST LEGISLATIVE DAY

Moved by: Sue Peterson
Second by: Odenbach
Action: Prevailed by roll call vote (8-4-1-0)

Voting Yes: Aylward, Odenbach, Sue Peterson, Pischke, Reimer, Soye, St. John, and Hansen

Voting No: Barthel, Cwach, Pourier, and Stevens

Excused: Rehfeldt

SB 164 : modify the process for civil forfeiture.

Presented by: Representative Bethany Soye
Proponents: Don Haggard, Americans For Prosperity, Arlington
Charles McGuigan, Chief Deputy, Office of the Attorney General
Justin Bell, South Dakota Association of Criminal Defense Lawyers, Pierre,
South Dakota (Handout(s) 2)

MOTION: DO PASS SB 164

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

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Soye, St. John, and Hansen

Voting No: Stevens

Excused: Rehfeldt and Reimer

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair