

Committee: House Local Government

Tuesday, January 26, 2021 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Cwach, Rep. Drury, Rep. Lana Greenfield, Rep. Hoffman,  
Rep. Chris Johnson, Rep. Mortenson, Rep. Olson, Rep. Reed, Rep. Thomason,  
Rep. Weisgram, Rep. Jamison, and Rep. York

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative York**

**MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 21<sup>ST</sup>**

Moved by: Hoffman  
Second by: Lana Greenfield  
Action: Prevailed by voice vote

**HB 1058 : authorize the recall of county commissioners.**

Presented by: Representative Ernie Otten  
Proponents: Representative Aaron Aylwood  
Thomas Stengrim, Lincoln County, self  
David Gillespie, Canton, self  
Opponents: Bob Wilcox, South Dakota Association of County Commissioners, Pierre

**MOTION: AMEND HB 1058**

1058A

On page 1, line 22, of the Introduced bill, after "meeting" delete ", except in the case of a petition to recall a county auditor, which shall be given to the county treasurer to present to the county commission and to be filed with the county"

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

**MOTION: DEFER HB 1058 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Lana Greenfield  
Second by: Hoffman  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DO PASS HB 1058 AS AMENDED**

Moved by: Olson  
Action: Died for lack of a second

**Revert to previous motion**

**MOTION: DEFER HB 1058 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Lana Greenfield

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

Voting Yes: Barthel, Drury, Lana Greenfield, Hoffman, Chris Johnson, Mortenson, Reed, Thomason, Weisgram, and Jamison

Voting No: Cwach, Olson, and York

**HB 1045 : revise certain tenant and landlord rights.**

Presented by: Representative Tina Mulally  
Proponents: Dean Krogman, SD Multi-Housing Association, Sioux Falls  
Opponents: Steve Siegel, South Dakota Trial Lawyers Association, Pierre

**MOTION: AMEND HB 1045**

1045G

On page 2, line 5, of the Introduced bill, remove the overstrikes from "The "

On page 2, line 5, of the Introduced bill, after "lessor.  
The " delete "A small amount of "

On page 2, line 5, of the Introduced bill, remove the overstrikes from ", the total reasonable value of which does not exceed five hundred dollars"

On page 2, line 6, of the Introduced bill, after "premises" delete " by"

On page 2, line 6, of the Introduced bill, remove the overstrikes from "by "

On page 2, line 7, of the Introduced bill, after "lessee" delete " for ten days after the lessee"

On page 2, line 7, of the Introduced bill, remove the overstrikes from " for ten days after the lessee"

On page 2, line 7, of the Introduced bill, delete "execution of possession " and insert "order for delivery "

On page 2, line 8, of the Introduced bill, delete " chapter 21-16" and insert " § 21-16-10"

On page 2, line 9, of the Introduced bill, delete "and the " and insert ". If the tenant has quit the premises, the "

On page 2, line 9, of the Introduced bill, after "may " insert "within twenty-four hours remove and store the abandoned property for up to ten days or "

On page 2, line 9, of the Introduced bill, after "property" insert " without legal process ten days after the tenant has quit the premises. The lessor may within twenty-four hours dispose of the abandoned property without legal process if the tenant is served with an order for delivery under § 21-16-10"

On page 2, line 9, of the Introduced bill, after "property." insert " The fair market value or the proceeds received from the sale of the property disposed of shall be deducted from the owed balance of the lessee. The lessor shall hold the balance, if any, for delivery on demand to the lessee. If the lessee does not claim the balance of the proceeds within one year of the date of the sale, the proceeds shall become the property of the lessor and the lessee has no further recourse."

On page 2, line 13, of the Introduced bill, delete "of a " and insert "the "

On page 2, line 13, of the Introduced bill, delete "exceeding " and insert "of which exceeds "

On page 2, line 14, of the Introduced bill, after "on " insert "a "

On page 2, line 14, of the Introduced bill, after "has " delete "either "

On page 2, line 15, of the Introduced bill, after "premises" delete the comma

On page 2, line 15, of the Introduced bill, remove the overstrikes from the comma

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

On page 2, line 15, of the Introduced bill, remove the overstrikes from " lessor"

On page 2, line 15, of the Introduced bill, delete "execution for possession " and insert "order for delivery "

On page 2, line 16, of the Introduced bill, delete " chapter 21-16" and insert " § 21-16-10"

On page 2, line 16, of the Introduced bill, after "21-16, " insert "is presumed to have been abandoned. If the tenant has quit the premises, the lessor of the residential premises "

On page 2, line 16, of the Introduced bill, delete " be immediately removed and stored by the lessor" and insert " within twenty-four hours remove and store the abandoned property for up to twenty-eight days or dispose of the abandoned property without legal process twenty-eight days after the tenant has quit the premises"

On page 2, line 16, of the Introduced bill, after "lessor. " insert "The lessor may within twenty-four hours dispose of the abandoned property without legal process if the tenant is served with an order for delivery under § 21-16-10, subject to the rights of a creditor having a prior perfected security interest in the proceeds. The fair market value or the proceeds received from the sale of the property disposed of shall be deducted from the owed balance of the lessee. The lessor shall hold the balance, if any, for delivery on demand to the lessee. If the lessee does not claim the balance of the proceeds within one year of the date of the sale, the proceeds shall become the property of the lessor, and the lessee has no further recourse.

"

On page 2, line 20, of the Introduced bill, after "property." delete "If the lessee does not recover the property within twenty-eight days after quitting the premises or more the lessor may treat the property as abandoned and being served with the execution of possession, the landlord may retain and dispose of it the property without legal process. The lessor is entitled to the proceeds from the sale of the property."

Moved by: Reed  
Second by: Mortenson  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1045**

Moved by: Hoffman  
Second by: Chris Johnson  
Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Barthel, Drury, Lana Greenfield, Hoffman, Chris Johnson, and Reed

Voting No: Cwach, Mortenson, Olson, Thomason, Weisgram, Jamison, and York

**MOTION: DEFER HB 1045 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Reed  
Second by: Olson  
Action: Prevailed by roll call vote (10-3-0-0)

Voting Yes: Barthel, Cwach, Drury, Mortenson, Olson, Reed, Thomason, Weisgram, Jamison, and York

Voting No: Lana Greenfield, Hoffman, and Chris Johnson

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

**An Act to revise certain provisions regarding the municipal zoning and appeals process.**

Moved by: Jamison  
Second by: Mortenson  
Action: Prevailed by voice vote

**MOTION:     ADJOURN**

Moved by:     Mortenson  
Second by:    Hoffman  
Action:        Prevailed by voice vote

Jean Denton, Committee Secretary

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/s/ NANCY YORK  
Nancy York, Chair