

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 22<sup>ND</sup>**

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