

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 Country 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