

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