

Committee: House Judiciary

Friday, February 04, 2022 10:00 AM

Roll Call

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

Excused: Rep. Sue Peterson and Rep. Reimer

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 02ND

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

MOTION: AMEND HB 1060

1060A

On page 1, line 1, of the Introduced bill, delete "repeal" and insert "consolidate"

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

Section 1. That § 47-34A-912 be AMENDED:

47-34A-912. (a) After a plan of domestication is approved, a domesticating company shall deliver to the secretary of state for filing articles of domestication, which must include:

- (1) A statement, as the case may be, that the company has been domesticated from or into another jurisdiction;
- (2) The name of the domesticating company and the jurisdiction of its governing statute;
- (3) The name of the domesticated company and the jurisdiction of its governing statute;
- (4) The date the domestication is effective under the governing statute of the domesticated company;
- (5) If the domesticating company was a limited liability company, a statement that the domestication was approved as required by this chapter;
- (6) If the domesticating company was a foreign limited liability company, a statement that the domestication was approved as required by the governing statute of the other jurisdiction; ~~and~~
- (7) If the domesticated company was a foreign limited liability company not authorized to transact business in this state, the street and mailing addresses of an office that the secretary of state may use for the purposes of § 47-34A-913(b); ~~and~~

(8) If the domesticated company was a foreign limited liability company, articles of organization that comply with the requirements of § 47-34A-203.

(b) A domestication becomes effective:

- (1) When the certificate of organization takes effect, if the domesticated company is a limited liability company; and
- (2) According to the governing statute of the domesticated company, if the domesticated organization is a foreign limited liability company."

Moved by: Pischke
Second by: Rehfeldt

Action: Prevailed by voice vote

HB 1060 : repeal certain domestication provisions in the Uniform Limited Liability Company Act.

Presented by: Representative Mike Stevens, District 18
Proponents: Elizabeth Overmoe, State Bar of South Dakota, Pierre
Kyle Holt, Office of the Secretary of State

MOTION: DO PASS HB 1060 AS AMENDED

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

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

Excused: Sue Peterson and Reimer

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

HB 1079 : revise provisions regarding court transcript costs.

Presented by: Representative Mike Stevens, District 18
Proponents: Paul E Bachand, SD Court Reporters Association, Watertown
Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1079

Moved by: Soye
Second by: Odenbach
Action: Prevailed by Majority Members Elect (9-2-2-0)

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

Voting No: Aylward and Pischke

Excused: Sue Peterson and Reimer

MOTION: AMEND HB 1115

1115A

On page 1, line 14, of the Introduced bill, delete " The value of the decedent's interest is determined from the value of the property as shown on the assessment rolls for the year in which the decedent died less real estate taxes and interest thereon if any is due at the time of death;" and insert " For real estate classified as non-agricultural, the value of the decedent's interest in property may be determined as shown on the assessment rolls for the year in which the decedent died. For real estate classified as agricultural, the value of the decedent's interest shall be the fair market value thereof on the date of the decedent's death."

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, line 5, of the Introduced bill, delete "That the transfer of title is not subject to a transfer
fee pursuant to subdivision 43-4-22(18)" and insert "The decedent has not incurred
any indebtedness to the Department of Social Services for medical assistance for
nursing home or other medical institutional care"
On page 2, line 7, of the Introduced bill, delete "9" and insert "10"
On page 3, line 7, of the Introduced bill, after "1988" insert " or affidavit for succession to real
property pursuant to section 1 of this Act"
Moved by: Rehfeldt
Second by: Pourier
Action: Prevailed by voice vote

HB 1115 : allow succession to real property by an affidavit.

Presented by: Representative Ryan Cwach, District 18
Proponents: David Larson, self, Chamberlain
Matthew McCaulley, South Dakota Land Title Association, Miller
Others: Brett Koenecke, South Dakota Bankers Association, Pierre

MOTION: DO PASS HB 1115 AS AMENDED

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

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

Excused: Sue Peterson and Reimer

HB 1101 : make an appropriation for the construction of a new public safety regional jail near Deadwood and to declare an emergency.

Presented by: Representative Mary Fitzgerald, District 31
Proponents: Brian Dean, Sheriff, Lawrence County, self
Michael Gouloff, self, Fort Wayne, IN
Tony Vie, self, Fort Wayne, IN
Senator Al Novstrup, District 3
Senator Timothy Johns, District 31
Opponents: Brandy Miesner, Bureau of Finance and Management

MOTION: REFER HB 1101 TO HOUSE COMMITTEE ON APPROPRIATIONS

Moved by: Stevens
Second by: Rehfeldt
Action: Prevailed by roll call vote (8-2-3-0)

Voting Yes: Aylward, Barthel, Odenbach, Pischke, Pourier, Rehfeldt, Stevens, and Hansen

Voting No: Cwach and Soye

Excused: Sue Peterson, Reimer, and St. John

MOTION: REFER HB 1132 TO HOUSE COMMITTEE ON APPROPRIATIONS

Moved by: Odenbach
Second by: Pischke
Action: Prevailed by roll call vote (9-2-2-0)

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

Voting No: Cwach and Soye

Excused: Sue Peterson and Reimer

MOTION: TO INVOKE RULE 7-1.5. CONSIDERATION OF MATTERS NOT POSTED.

Moved by: St. John
Second by: Rehfeldt
Action: Prevailed by Two-Thirds Majority (10-1-2-0)

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

Voting No: Cwach

Excused: Sue Peterson and Reimer

MOTION: REFER HB 1288 TO HOUSE COMMITTEE ON APPROPRIATIONS

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

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

Voting No: Cwach and Soye

Excused: Sue Peterson and Reimer

HB 1194 : make an appropriation to the Office of Attorney General to temporarily fund a position within the Office of Liaison for Missing and Murdered Indigenous Persons, and to declare an emergency.

Presented by: Representative Tamara St. John, District 1
Opponents: Brandy Miesner, Bureau of Finance and Management

MOTION: REFER HB 1194 TO HOUSE COMMITTEE ON APPROPRIATIONS DO PASS

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

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

Voting No: Pischke

Excused: Sue Peterson and Reimer

MOTION: AMEND HB 1264

1264A

On page 1, line 9, of the Introduced bill, delete " \$84,848" and insert " \$424,240"
On page 1, line 10, of the Introduced bill, after "the " insert "Office of the "
On page 1, line 11, of the Introduced bill, delete " one year" and insert " five years"
Moved by: Pischke
Second by: Odenbach
Action: Prevailed by voice vote

HB 1264 : make an appropriation for the Liaison for Missing and Murdered Indigenous Persons Office, and to declare an emergency.

Presented by: Representative Peri Pourier, District 27 (Handout(s) 1, 2)
Proponents: Ross B Garelick Bell, Oglala Sioux Tribe, Pine Ridge; Yankton Sioux Tribe, Wagner; CCST - Crow Creek Sioux Tribe, Fort Thompson
Kellen Returns from Scout, Great Plains Tribal Chairman's Association, Rapid City
Opponents: Brandy Miesner, Bureau of Finance and Management

MOTION: REFER HB 1264 TO HOUSE COMMITTEE ON APPROPRIATIONS DO PASS

Moved by: Pourier
Second by: Rehfeldt
Action: Prevailed by roll call vote (8-3-2-0)

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

Voting No: Aylward, Pischke, and Soye

Excused: Sue Peterson and Reimer

MOTION: ADJOURN

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

Gail Tennant, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair