

Committee: House Judiciary

Monday, February 10, 2020 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Borglum, Rep. Diedrich, Rep. Hammock, Rep. Latterell, Rep. Pischke, Rep. Rasmussen, Rep. Reimer, Rep. St. John, Rep. Cwach, Rep. Pourier, Rep. Johns, and Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 07TH

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

HB 1087 : authorize a clerk of courts to provide certain notices by electronic mail.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: TO TABLE HB 1087

Moved by: Johns
Second by: Pischke
Action: Prevailed by roll call vote (11-0-2-0)

Voting Yes: Barthel, Borglum, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Diedrich and Pourier

HB 1101 : provide for the reinstatement of a driver license under certain conditions.

THE CHAIR DEFERRED HB 1101

HB 1113 : provide for remote participation in a shareholders' meeting.

Presented by: Representative Tim Rounds
Proponents: Bob Riter, State Bar of SD, Pierre, SD

MOTION: DO PASS HB 1113

Moved by: Cwach
Second by: Pischke
Action: Prevailed by roll call vote (11-0-2-0)

Voting Yes: Barthel, Borglum, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Diedrich and Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1113 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1114 : authorize additional abbreviations in naming corporations, limited liability companies, and limited liability partnerships.

Presented by: Representative Tim Rounds
Proponents: Bob Riter, State Bar of SD, Pierre, SD
Emily Kerr, Secretary of State

MOTION: DO PASS HB 1114

Moved by: Pischke
Second by: Hammock
Action: Prevailed by roll call vote (11-0-2-0)

Voting Yes: Barthel, Borglum, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Johns, and Hansen

Excused: Diedrich and Pourier

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1114 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1077 : establish certain requirements regarding funeral processions.

Presented by: Representative Manny Steele
Proponents: Jason Glodt, SD Funeral Directors Asso. Pierre, SD

MOTION: AMEND HB 1077

1077A

On page 1, line 8, of the Introduced bill, after "vehicle," " insert "any motor vehicle including "

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

MOTION: DO PASS HB 1077 AS AMENDED

Moved by: Borglum
Second by: Pischke
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Barthel, Borglum, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

Excused: Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1077 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1107 : define style and form and authorize the code counsel to make certain style and form edits to legislative acts.

Presented by: Representative Johns

Opponents: Andrew Fergel, Executive Director State Bar of SD, Pierre, SD
 Aaron Scheibe, South Dakota State's Attorneys Association
 Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls, SD

MOTION: AMEND HB 1107

1107B

On page 1, line 14, of the Introduced bill, after "policy." delete "Section 2. That § 2-9-11 be AMENDED:

2-9-11. Powers and Duties--Code Counsel.

In addition to other powers and duties conferred by law or authorized by the executive board or by the Code Commission, the code counsel shall:

- (1) Provide staff assistance to and attend all meetings of the Code Commission and make such recommendations to the commission as he deems essential for the general improvement of the laws of the State of South Dakota;
- (2) Submit to each regular session of the Legislature the approved recommendations of the Code Commission as to the laws of the state, draft bills for proposed legislation to carry out such recommendations, and present them to the appropriate legislative committees;
- (3) Advise and otherwise assist the members of the Legislature in legal research and in the preparation of bills;
- (4) Prepare and index the session laws which shall include all rules of court adopted or amended subsequent to the publication of the last preceding volume of session laws;
- (5) Protect the interest of the State of South Dakota in all material published under chapters 2-13 and 2-16, whether printed or on computer retrieval systems; and
- (6) Make necessary style and form edits to legislative acts, without altering legislative meaning or effect, that are:
 - (a) Renumbering sections, subdivisions, and subsections;
 - (b) Rearranging sections, subdivisions, or subsections;
 - (c) Dividing sections, subdivisions, or subsections into other sections, subdivisions, or subsections so as to give to distinct subject matters a section, subdivision, or subsection identifier;
 - (d) Combining sections, subdivisions, or subsections into other sections, subdivisions, subsections;
 - (e) Substituting the proper title, chapter, section, or subdivision numbers for the terms "this act," "the preceding section," and the like;
 - (f) Substituting figures for written words and vice versa;
 - (g) Substituting the date on which the law becomes effective for the words "the effective date of this act," and the like;
 - (h) Substituting terms or phraseology, and names of boards, commissions, and agencies wherever the Legislature has expressly or by implication indicated an intention to do so, so as to provide consistency in the law;
 - (i) Changing capitalization for the purpose of uniformity;
 - (j) Correcting obvious clerical, typographical, grammatical, or punctuation errors;
 - (k) Correcting misspelled words;
 - (l) Changing reference numbers to agree with renumbered titles, chapters, sections, subdivisions, or subsections;
 - (m) Replacing gender-specific words with gender-neutral words and, if necessary, recast the sentences containing gender-specific words; and
 - (n) Making similar editorial changes to ensure the accuracy and utility of the code.

Any style and form edits under subsections (a), (b), (c), and (d) by the code counsel shall be submitted to the Code Commission for approval."

Moved by: Diedrich
Second by: Barthel
Action: Prevailed by voice vote

MOTION: DO PASS HB 1107 AS AMENDED

Moved by: Diedrich
Second by: Barthel
Action: Prevailed by roll call vote (11-1-1-0)

Voting Yes: Barthel, Borglum, Hammock, Pischke, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

Voting No: Latterell

Excused: Diedrich

HB 1153 : authorize the limited possession of a knife in the state capitol.

Presented by: Representative Dayle Hammock

MOTION: DO PASS HB 1153

Moved by: Pischke
Second by: Reimer
Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Barthel, Borglum, Diedrich, Hammock, Latterell, Pischke, Rasmussen, Reimer, St. John, Cwach, Pourier, Johns, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1153 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Nancy Bugay, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair