

Committee: Senate Commerce and Energy

Tuesday, January 25, 2022 10:00 AM

Roll Call

Present: Sen. Foster, Sen. Schoenbeck, Sen. Stalzer, Sen. Steinhauer, Sen. Tobin, and Sen. Zikmund

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Crabtree**

**MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 20<sup>TH</sup>**

Moved by: Steinhauer  
Second by: Stalzer  
Action: Prevailed by voice vote

**HB 1059 : permit nonresponsive insurance producer applications be deemed withdrawn as to not constitute a refusal or administrative action.**

Presented by: Senator Larry Zikmund, District 14  
Representative Mike Weisgram, District 24  
Proponents: Travis Jordan, South Dakota Division of Insurance  
Randy Moses, Independent Insurance Agents of SD, Ft Pierre

**MOTION: DO PASS HB 1059**

Moved by: Steinhauer  
Second by: Wheeler  
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Foster, Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1059 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 40 : to establish safety standards regarding biogas gathering lines.**

Presented by: Chris Nelson, Commissioner, Public Utilities Commission  
Proponents: Chase Jensen, Dakota Rural Action, Brookings  
Darla Pollman Rogers, South Dakota Telecommunications Association, Pierre  
Darla Pollman Rogers, South Dakota Rural Electric Association, Pierre  
Pamela A Bonrud, NorthWestern Energy, Sioux Falls  
Brett Koenecke, South Dakota Electric Utility Companies, Pierre  
Larry A Nelson, Missouri River Energy Services, Sioux Falls  
Larry A Nelson, South Dakota Municipal League, Fort Pierre  
Opponents: Brian Walsh, Department of Agriculture and Natural Resources  
Others: Judy Blauwet, Presentation Sisters of Aberdeen, Aberdeen (Handout(s) 1)

**MOTION: AMEND SB 40**

40C

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 1. That a NEW SECTION be added to title 49:**

Terms used in this chapter mean:

- (1) "Biogas gathering line," new and existing gathering pipeline facilities in South Dakota that transport gas from a bio-methane producer to an interstate or intrastate gas pipeline;
- (2) "Commission," the Public Utilities Commission;
- (3) "Gas," natural gas, liquefied natural gas, flammable gas, gas which is toxic or corrosive, or liquefied petroleum gas in distribution systems.

**Section 2. That a NEW SECTION be added to title 49:**

Any person who operates an intrastate biogas gathering line shall prior to operation provide written notice of the location and existence of the biogas gathering line to:

- (1) Any county and township where the biogas gathering line is located;
- (2) Any municipality located in those counties and townships;
- (3) South Dakota One-Call;
- (4) The Commission;
- (5) All landowners of record who own land within one-quarter mile of the biogas gathering line.

All notices must warn of the hazards and dangers associated with the biogas gathering line and its contents.

**Section 3. That a NEW SECTION be added to title 49:**

Any person who operates a biogas gathering line on an easement or in public right of way must place and maintain signage marking the biogas gathering line for the life of the biogas gathering line. Signage must be in the rights-of-way and placed at all public road crossings and railroad crossings and in sufficient numbers so that the biogas gathering line location is accurately and easily known. Signage must prominently display the operator's name, a twenty-four-hour emergency telephone number for the operator, the word, warning, or danger, and the phrase, biogas pipeline. Prior to commencement of operation, the operator shall certify to the Commission that the operator has completed the requirements of this chapter.

**Section 4. That a NEW SECTION be added to title 49:**

If the Commission finds, after notice and opportunity for hearing, that a person has failed to comply with any requirement of this chapter, the Commission may suspend or restrict the operation of the pipeline and may order the person to comply with this chapter. The Commission may issue a temporary ex parte order to suspend or restrict operation if the Commission determines a likelihood of immediate serious harm to life, health, environment, or property exists. The operator has the right of appeal from such decisions as provided by chapter 1-26. The Commission may apply to the circuit court in any county in which the biogas gathering line operates for orders that enjoin operation.

**Section 5. That a NEW SECTION be added to title 49:**

Any person who operates a biogas gathering line other than in compliance with this chapter is guilty of a Class 1 misdemeanor and is subject to a civil penalty of not more than ten thousand dollars."

Moved by: Steinhauer

Second by: Stalzer

Action: Prevailed by voice vote

**MOTION: DO PASS SB 40 AS AMENDED**

Moved by: Steinhauer  
 Second by: Wheeler  
 Action: Prevailed by Majority Members Elect

**SB 92 : require that taxpayer funded pool arrangements providing workers' compensation coverage demonstrate financial stability, reliable management, and fair pricing.**

Presented by: Senator Timothy Johns, District 31  
 Proponents: Tim Donohue, Sioux Falls, Self  
 Representative Sue Peterson, District 13  
 Randy Moses, Independent Insurance Agents of SD, Ft Pierre  
 Opponents: Richard Tieszen, Associated School Boards of South Dakota, PIERRE  
 Yvonne Taylor, South Dakota Municipal League, Fort Pierre  
 Doug Abraham, South Dakota Municipal League, Fort Pierre  
 Others: Russ Olson, Auditor General, SD Legislative Audit

**MOTION: AMEND SB 92**

92A

On page 1, line 9, of the Introduced bill, delete "three " and insert "five"  
 Moved by: Schoenbeck  
 Second by: Zikmund  
 Action: Prevailed by voice vote

**MOTION: DEFER SB 92 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Wheeler  
 Second by: Steinhauer  
 Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Foster, Novstrup, Schoenbeck, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

**HB 1062 : revise a provision regarding when a license is not required of a person installing electric wiring.**

Presented by: Senator Larry Zikmund, District 14  
 Representative David Anderson, District 16  
 Others: John J. Linn Jr., Department of Labor and Regulation

**MOTION: DO PASS HB 1062**

Moved by: Crabtree  
 Second by: Steinhauer  
 Action: Prevailed by Majority Members Elect (8-0-1-0)

Voting Yes: Foster, Novstrup, Stalzer, Steinhauer, Tobin, Zikmund, Wheeler, and Crabtree

Excused: Schoenbeck

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1062 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Novstrup  
Second by: Crabtree  
Action: Prevailed by voice vote

Peggy Laurenz, Committee Secretary

\_\_\_\_\_  
/s/ CASEY CRABTREE  
Casey Crabtree, Chair