

Committee: Senate Commerce and Energy

Thursday, February 17, 2022 10:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 15<sup>TH</sup>**

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

**SB 152 : provide for ticket-in, ticket-out video lottery.**

Presented by: Senator Michael Rohl, District 1 (Handout(s) 1)  
Proponents: Matt Krogman, SD Licensed Beverage Dealer & Gaming Assoc., Rapid City  
William M Van Camp, South Dakota Retailers Association, Pierre  
Opponents: Robert C. Riter, Music and Vending Association of South Dakota, Pierre  
Virgena Wieseler, Department of Social Services

**MOTION: DO PASS SB 152**

Moved by: Wheeler  
Second by: Zikmund  
Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Novstrup

**SB 183 : increase the limit on the number of video lottery machines in a  
licensed establishment.**

Presented by: Senator Michael Rohl, District 1  
Proponents: Matt Krogman, SD Licensed Beverage Dealer & Gaming Assoc., Rapid City  
William M Van Camp, South Dakota Retailers Association, Pierre  
Opponents: Norman Woods, Family Heritage Alliance Action, Rapid City  
Virgena Wieseler, Department of Social Services  
Lisa Gennaro, Concerned Woman For America, Alexandria, VA

**MOTION: AMEND SB 183**

183A

On page 1, line 7, of the Introduced bill, delete "fifteen" and insert " twelve"

Moved by: Zikmund  
Second by: Wheeler

Action: Prevailed by voice vote

**MOTION: DO PASS SB 183 AS AMENDED**

Moved by: Wheeler

Second by: Zikmund

Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Foster, Tobin, Zikmund, Wheeler, and Crabtree

Voting No: Schoenbeck, Stalzer, and Steinhauer

Excused: Novstrup

**SB 3 : provide for the use and regulated sale of marijuana.**

Presented by: Senator Michael Rohl, District 1

Proponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls  
Kittrick Jeffries, Dakota Cannabis Consulting, Rapid City  
Josh Wood, Self, Vermillion

Terra Larson, SD Association of Criminal Defense Lawyers, Pierre

Deb Peters, MISD Property Holdings 1, Yankton

Opponents: Paul E Bachand, South Dakota State's Attorneys Association, Pierre

Richard Tieszen, South Dakota Sheriffs' Association, Eureka

Lori Martinec, South Dakota Police Chiefs Association, Fort Pierre

Dean Krogman, State Medical Association SD, Sioux Falls

**MOTION: AMEND SB 3**

3B

On page 3, line 11, of the Introduced bill, after "than" delete " four"

On page 3, line 11, of the Introduced bill, after "four " insert "two "

On page 3, line 13, of the Introduced bill, after "possess" delete " four"

On page 3, line 13, of the Introduced bill, after "four " insert "two "

On page 3, line 32, of the Introduced bill, after "than" delete " four"

On page 3, line 32, of the Introduced bill, after "four " insert "two "

On page 4, line 1, of the Introduced bill, after "ounce " delete "four"

On page 4, line 1, of the Introduced bill, after "four " insert "two "

On page 4, line 11, of the Introduced bill, delete " four" and insert " two"

On page 4, line 14, of the Introduced bill, after "ounce" delete " four"

On page 4, line 14, of the Introduced bill, after "four " insert "two "

Moved by: Tobin

Second by: Wheeler

Action: Prevailed by voice vote

**MOTION: DO PASS SB 3 AS AMENDED**

Moved by: Wheeler

Second by: Tobin

Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Foster, Tobin, Zikmund, Wheeler, and Crabtree

Voting No: Schoenbeck, Stalzer, and Steinhauer

Excused: Novstrup

**SB 204 : establish a process for the abandonment of certain pipelines.**

Presented by: Senator Bryan Breitling, District 23

Proponents: Chase Jensen, Dakota Rural Action, Brookings

Opponents: Brett Koenecke, South Dakota Electric Utility Companies, Pierre  
Drew Duncan, TC Energy, Omaha, NE  
Jason Alan Glodt, Navigator CO2 Ventures LLC, Des Moines, IA  
Justin Bell, Summit Carbon Solutions, Ames, IA

**MOTION: AMEND SB 204**

204B

On page 1, line 1, of the Introduced bill, delete " a process for the abandonment of" and insert " terms of easements for"

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

"

**Section 1. That chapter 49-41B be amended with a NEW SECTION:**

For purposes of this Act, the term, pipeline, includes a completed pipeline, a pipeline under construction, or a segment of a pipeline, designed for or capable of transporting liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, that is not excluded by subdivision 49-41B-21(2).

**Section 2. That chapter 49-41B be amended with a NEW SECTION:**

Any real property owner may grant a pipeline easement in the same manner and with the same effect as a conveyance of an interest in real property. The easement must be in writing, and the easement or a memorandum thereof must be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the easement is granted. Any such easement runs with the land or lands benefited and burdened and terminates upon the conditions stated in the easement, except that the term of any such easement may not exceed fifty years.

Any payments associated with the granting or continuance of any such easement must be made on an annual basis to the owner of record of the real property at the time the payment is made. If the easement holder mortgages or otherwise encumbers to any party any part of the easement holder's rights and interests under the easement, the mortgage or encumbrance on the easement is the responsibility of the easement holder and attaches only to the easement holder's rights and does not otherwise attach to the land or obligate the property owner. Each pipeline easement agreement must include a statement disclosing that the easement holder may mortgage or encumber any part of the easement holder's rights and interests under the agreement unless otherwise specified in the agreement.

**Section 3. That chapter 49-41B be amended with a NEW SECTION:**

A pipeline easement is void if the associated pipeline has not:

- (1) Been constructed on the burdened real property within ten years after the effective date of the easement; or
- (2) Transported liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, for a period of ten consecutive years.

The owner or holder of the real property subject to the pipeline easement may initiate an action in circuit court in the county in which the easement is located to quiet title."

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

**MOTION: DEFER SB 204 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Zikmund  
Second by: Stalzer  
Action: Prevailed by Majority Members Elect (7-1-1-0)

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

Voting No: Schoenbeck

Excused: Novstrup

**SB 156 : revise certain provisions regarding census estimates for the purposes of off-sale and on-sale liquor licenses.**

Presented by: Senator David Wheeler, District 22  
Proponents: Nathan Sanderson, South Dakota Retailers Association, Pierre  
Yvonne Taylor, South Dakota Municipal League, Fort Pierre

**MOTION: DO PASS SB 156**

Moved by: Tobin  
Second by: Schoenbeck  
Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Novstrup

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 156 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

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

Peggy Laurenz, Committee Secretary

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/s/ CASEY CRABTREE  
Casey Crabtree, Chair