

Committee: Senate Local Government

Wednesday, February 15, 2023 10:00 AM

Roll Call

Present: Sen. Castleberry, Sen. Deibert, Sen. Steve Kolbeck, Sen. Larson,  
Sen. Pischke, Sen. Mehlhaff, and Sen. Reed

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 13<sup>TH</sup>**

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

**SB 174 : prohibit counties or municipalities from enacting or implementing an ordinance, resolution, or policy that prohibits the connection or reconnection of an energy utility service.**

Presented by: Senator Herman Otten

Proponents: Pamela A. Bonrud, NorthWestern Energy, Sioux Falls  
Aaron C. Costello, Black Hills Corporation, Rapid City  
Representative Becky J. Drury  
Kristie Fiegen, Public Utilities Commission  
Dawna Leitzke, South Dakota Petroleum and Propane Marketers Association, Pierre  
Doug Abraham, South Dakota Retailers Association, Pierre  
Justin G. Smith, Sioux Falls Area Chamber of Commerce, Sioux Falls  
Tim Dougherty, South Dakota Home Builders Association, Pierre  
David Owen, South Dakota Chamber of Commerce & Industry, Pierre  
Steve Willard, South Dakota Electric Utility Companies, Pierre  
Matthew McCaulley, TC Energy, Wetonka

**MOTION: AMEND SB 174**

174B

On page 1, line 1, of the Introduced bill, delete " counties or municipalities from enacting or implementing" and insert " the enactment or implementation of"

On page 1, line 2, of the Introduced bill, delete " connection or reconnection" and insert " use"

On page 1, line 3, of the Introduced bill, after "energy" delete " or"

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

On page 1, line 7, of the Introduced bill, after "prohibits" delete the comma

On page 1, line 7, of the Introduced bill, delete ", the connection or reconnection of an" and insert " the use of"

On page 1, line 8, of the Introduced bill, after "or " insert "any "

On page 1, line 8, of the Introduced bill, after "energy " delete "or "

On page 1, line 8, of the Introduced bill, after "energy " insert "or "

On page 1, line 8, of the Introduced bill, delete " provided by a public utility, municipality, or cooperative utility or propane service" and insert " as a type or class of energy service"

On page 1, line 11, of the Introduced bill, delete " prohibit an" and insert " affect a prohibition on the use of"

On page 1, line 12, of the Introduced bill, after "energy " delete "or "  
On page 1, line 12, of the Introduced bill, after "energy " insert "or "  
On page 1, line 12, of the Introduced bill, after "service" insert " as a type or class"  
On page 1, line 15, of the Introduced bill, after "prohibits" delete the comma  
On page 1, line 15, of the Introduced bill, delete ", the connection or reconnection of an" and insert "  
the use of"  
On page 1, line 16, of the Introduced bill, after "or " insert "any "  
On page 1, line 16, of the Introduced bill, after "energy " delete "or "  
On page 1, line 16, of the Introduced bill, after "energy " insert "or "  
On page 1, line 16, of the Introduced bill, delete " provided by a public utility, municipality, or  
cooperative utility or propane service" and insert " as a type or class of energy  
service"  
On page 1, line 19, of the Introduced bill, delete " prohibit an" and insert " affect a prohibition on the  
use of"  
On page 1, line 20, of the Introduced bill, after "energy" delete " or"  
On page 1, line 20, of the Introduced bill, after "energy" insert " or"  
On page 1, line 20, of the Introduced bill, after "service" insert " as a type or class"  
Moved by: Pischke  
Second by: Steve Kolbeck  
Action: Prevailed by voice vote

**MOTION: DO PASS SB 174 AS AMENDED**

Moved by: Mehlhaff  
Second by: Steve Kolbeck  
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Castleberry, Deibert, Steve Kolbeck, Larson, Pischke, Mehlhaff, and Reed

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 174 AS UNCONTESTED  
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Pischke  
Second by: Steve Kolbeck  
Action: Prevailed by voice vote

Susan Gullickson, Committee Secretary

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/s/ TIM REED  
Tim Reed, Chair