

Committee: Senate Commerce and Energy

Tuesday, January 16, 2024 10:00 AM

Roll Call

Present: Sen. Crabtree, Sen. Hoffman, Sen. Johnson, Sen. Kolbeck (Steve),  
Sen. Nesiba, Sen. Schoenbeck, Sen. Stalzer, Sen. Beal, and Sen. Wheeler

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 11<sup>TH</sup>**

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

**THE CHAIR DEFERRED SB 8**

**SB 39 : prohibit a homeowners' association from placing restrictions on firearms or firearm ammunition.**

Presented by: Senator Michael Rohl

**MOTION: DO PASS SB 39**

Moved by: Kolbeck (Steve)  
Second by: Beal  
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Crabtree, Hoffman, Johnson, Kolbeck (Steve), Schoenbeck, Stalzer, Beal, and Wheeler

Voting No: Nesiba

**SB 78 : provide for an E15 fuel tax refund.**

Presented by: Senator Casey Crabtree  
Proponents: Representative Drew Peterson  
Doug Berven, South Dakota Ethanol Producers Association, ONIDA  
(Handout(s) 1, 2)  
Tim Dougherty, POET LLC, Sioux Falls  
Nathan Sanderson, South Dakota Retailers Association, Pierre  
Samuel J Nelson, South Dakota Corn Growers Association, Sioux Falls  
Rob Skjonsberg, South Dakota Soybeans, Ft. Pierre

**MOTION: AMEND SB 78**

78B

On page 1, line 6, of the Introduced bill, delete " retail dealer" and insert " licensed marketer that has demonstrated compliance with alternative fuel compatibility requirements with the Department of Agriculture and Natural Resources"

On page 1, line 8, of the Introduced bill, delete " retail dealer" and insert " licensed marketer"  
On page 1, line 9, of the Introduced bill, delete " retail dealer" and insert " licensed marketer"  
On page 1, line 10, of the Introduced bill, delete " retail dealer" and insert " licensed marketer"  
On page 1, line 13, of the Introduced bill, delete " retailer" and insert " licensed marketer"  
On page 1, line 14, of the Introduced bill, delete " thirty" and insert " ninety"  
On page 1, line 16, of the Introduced bill, delete " If the application is approved, the commissioner shall direct the state treasurer to send a check to the retailer in the amount of the allowable tax refund" and insert " Upon approval of the application, the commissioner shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act"

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

**MOTION: DO PASS SB 78 AS AMENDED**

Moved by: Kolbeck (Steve)  
Second by: Beal  
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Crabtree, Hoffman, Johnson, Kolbeck (Steve), Nesiba, Schoenbeck, Stalzer, Beal, and Wheeler

**MOTION: ADJOURN**

Moved by: Beal  
Second by: Kolbeck (Steve)  
Action: Prevailed by voice vote

Susan Gullickson, Committee Secretary

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/s/ DAVID WHEELER  
David Wheeler, Chair