

Committee: Senate Agriculture and Natural Resources Tuesday, January 30, 2024 10:00 AM

Roll Call

Present: Sen. Klumb, Sen. Larson, Sen. Mehlhaff, Sen. Novstrup, Sen. Tobin,
Sen. Deibert, and Sen. Otten (Herman)

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Otten (Herman)

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 23RD

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

**TRAVIS BIES OF CUSTER COUNTY, FAIRBURN, SOUTH DAKOTA, TO THE GAME,
FISH, AND PARKS COMMISSION**

Presented by: Scott Simpson, Department of Game, Fish and Parks

**MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT
OF TRAVIS BIES OF CUSTER COUNTY, FAIRBURN, SOUTH DAKOTA, TO
THE GAME, FISH, AND PARKS COMMISSION**

Moved by: Klumb
Second by: Deibert
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Klumb, Larson, Mehlhaff, Novstrup, Tobin, Deibert, and Otten (Herman)

MOTION: PLACE REAPPOINTMENT ON CONSENT CALENDAR

Moved by: Otten (Herman)
Second by: Deibert
Action: Prevailed by voice vote

**DAVID CULL OF YANKTON COUNTY, YANKTON, SOUTH DAKOTA, TO THE GAME,
FISH, AND PARKS COMMISSION**

Presented by: Scott Simpson, Department of Game, Fish and Parks

**MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT
OF DAVID CULL OF YANKTON COUNTY, YANKTON, SOUTH DAKOTA, TO
THE GAME, FISH, AND PARKS COMMISSION**

Moved by: Tobin
Second by: Larson
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Klumb, Larson, Mehlhaff, Novstrup, Tobin, Deibert, and Otten (Herman)

MOTION: PLACE REAPPOINTMENT ON CONSENT CALENDAR

Moved by: Otten (Herman)
 Second by: Deibert
 Action: Prevailed by voice vote

SB 111 : revise requirements for mining and mineral exploration.

Presented by: Senator Randy Deibert
 Proponents: Mike Lees, Department of Agriculture and Natural Resources (Handout(s) Document #1)
 Deb Mortenson, AGC of SD, Pierre
 Paul Lepisto, SD Division of the Izaak Walton League of America, North Sioux City
 Guy W Larson, South Dakota Chapter of Sierra Club, Vermillion
 Melissa McCauley, Dakota Rural Action, Brookings
 Josh Viet, Self, Madison SD

MOTION: AMEND SB 111

111C

On page 2, line 4, of the Introduced bill, after "2026," insert " and continuing through June 30, 2027,"
 On page 2, line 4, of the Introduced bill, after "2026, " insert "the surety for a mining operation that was licensed prior to July 1, 2024, must be in the amount of three thousand eight hundred and fifty dollars per acre of affected land or one hundred thousand dollars for the statewide mining of any material listed in § 45-6-65.

Beginning July 1, 2027, and continuing through June 30, 2029, the surety for a mining operation that was licensed prior to July 1, 2024, must be in the amount of three thousand eight hundred and fifty dollars per acre of affected land or two hundred thousand dollars for the statewide mining of any material listed in § 45-6-65.

Beginning July 1, 2029, "

On page 2, line 6, of the Introduced bill, delete "five " and insert " three "

On page 2, line 10, of the Introduced bill, delete " five" and insert " three"

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

MOTION: DO PASS SB 111 AS AMENDED

Moved by: Mehlhaff
 Second by: Tobin
 Action: Prevailed by Majority Members Elect (6-1-0-0)

Voting Yes: Larson, Mehlhaff, Novstrup, Tobin, Deibert, and Otten (Herman)

Voting No: Klumb

HB 1043 : include lithium in the definition of precious metal for purposes of the minerals severance tax, and to set the tax rate for lithium severed in this state.

Presented by: Representative Kirk Chaffee (Handout(s) Document #2)
 Proponents: Craig Matson, South Dakota Association of County Commissioners, Pierre

Paul Lepisto, SD Division of the Izaak Walton League of America, North Sioux City

Guy W Larson, South Dakota Chapter of Sierra Club, Vermillion

Lilias Jarding, Black Hills Clean Water Alliance, Rapid City

Brett Koenecke, Self, Custer

Melissa McCauley, Dakota Rural Action, Brookings

Senator Randy Deibert

Opponents: Kwinn Neff, SD Mineral Industries Association, Rapid City

Zach Grimac, Iris Metals, Custer

Garth Wadsworth, Elevate Rapid City, Rapid City

Ella Francis, Self, Spearfish SD

Michael Schlumpberger, self, Rapid City SD (Handout(s) Document #3)

MOTION: AMEND HB 1043

1043B

On page 1, line 2, of the House Agriculture and Natural Resources Engrossed bill, after "tax" insert ", and to set the tax rate for lithium severed in this state"

On page 1, after line 10, of the House Agriculture and Natural Resources Engrossed bill, insert: "

Section 2. That § 10-39-45.1 be AMENDED:

10-39-45.1. In addition to any other tax imposed in chapter 10-39, there is imposed a tax of ten percent of the net profits from the sale of ~~precious metals~~ gold and silver severed in this state.

In addition to any other tax imposed in chapter 10-39, there is imposed a tax of five percent of the net profits from the sale of lithium severed in this state."

Moved by: Deibert

Second by: Tobin

Action: Prevailed by voice vote

MOTION: DO PASS HB 1043 AS AMENDED

Moved by: Tobin

Second by: Otten (Herman)

Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Klumb, Larson, Mehlhaff, Novstrup, Tobin, Deibert, and Otten (Herman)

SB 117 : revise provisions regarding industrial hemp.

Presented by: Senator Joshua Klumb

Proponents: Katie Sieverding, South Dakota Industrial Hemp Association, Pierre

MOTION: DO PASS SB 117

Moved by: Mehlhaff

Second by: Larson

Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Klumb, Larson, Mehlhaff, Novstrup, Tobin, Deibert, and Otten (Herman)

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 117 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Kelly Thompson, Committee Secretary

/s/ HERMAN OTTEN
Herman Otten, Chair