

Committee: Senate Commerce and Energy

Tuesday, January 30, 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 25TH

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

BRADLEY MOORE OF UNION COUNTY, DAKOTA DUNES, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

Presented by: Travis Dovre, Governor's Office of Economic Development (Handout(s) 1)

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF BRADLEY MOORE OF UNION COUNTY, DAKOTA DUNES, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

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

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

Excused: Johnson

CRAIG CHRISTIANSON OF PENNINGTON COUNTY, RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

Presented by: Travis Dovre, Governor's Office of Economic Development (Handout(s) 2)

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF CRAIG CHRISTIANSON OF PENNINGTON COUNTY, RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

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

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

Excused: Johnson

DONALD KETTERING OF YANKTON COUNTY, YANKTON, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

Presented by: Travis Dovre, Governor's Office of Economic Development (Handout(s) 3)

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF DONALD KETTERING OF YANKTON COUNTY, YANKTON, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

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

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

Excused: Johnson

MOTION: PLACE REAPPOINTMENT ON CONSENT CALENDAR

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

KEVIN TETZLAFF OF BROOKINGS COUNTY, BROOKINGS, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

Presented by: Travis Dovre, Governor's Office of Economic Development (Handout(s) 4)

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF KEVIN TETZLAFF OF BROOKINGS COUNTY, BROOKINGS, SOUTH DAKOTA, TO THE BOARD OF ECONOMIC DEVELOPMENT

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

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

Excused: Johnson

MOTION: PLACE REAPPOINTMENT ON CONSENT CALENDAR

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

SB 58 : revise provisions regarding money transmission.

Presented by: Bret Afdahl, Department of Labor and Regulation (Handout(s) 5)
Proponents: Terra Larson, South Dakota Trust Association, Rapid City

Dean Krogman, Independent Community of Bankers of South Dakota,
Watertown

MOTION: AMEND SB 58

58B

On page 42, after line 25, of the Introduced bill, insert: "

Section 69. That a NEW SECTION be added to chapter 51A-17:

Any person who engages in business activity regulated by this Act in the state is deemed to have consented to the jurisdiction of the courts of South Dakota for all actions arising under this Act."

On page 42, after line 25, of the Introduced bill, insert: "

Section 70. That a NEW SECTION be added to chapter 51A-17:

Any money coming into the custody of the division pursuant to this Act shall be deposited with the state treasurer. The state treasurer shall credit the money to the banking special revenue fund. Any expenditure of money out of the fund may only be made by appropriation by the Legislature through either the General Appropriation Act or a special appropriation bill. The director shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act."

On page 42, after line 25, of the Introduced bill, insert: "

Section 71. That a NEW SECTION be added to chapter 51A-17:

The following provisions apply to the sharing of information collected and retained by the director during the administration of this Act:

- (1) The provisions of section 4 of this Act regarding privacy or confidentiality apply to any information or material provided to the nationwide mortgage licensing system and registry, and any privilege arising under federal or state law, including any rule of a federal or state court, with respect to the information or material, continue to apply to the information or material after the information or material has been disclosed to the nationwide mortgage licensing system and registry. The information and material may be shared with a state or federal regulatory official who has money transmission industry oversight authority without the loss of privilege or the loss of confidentiality protections by federal law or section 4 of this Act; and
- (2) No information or material that is subject to privilege or confidentiality pursuant to this section is subject to:
 - (a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or
 - (b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the nationwide mortgage licensing system and registry regarding the information or material is waived, in whole or in part, by the person to whom the information or material pertains.

This section does not apply to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, money transmitters that is included in the nationwide mortgage licensing system and registry for access by the public."

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

MOTION: DO PASS SB 58 AS AMENDED

Moved by: Kolbeck (Steve)

Second by: Beal

Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Johnson

HB 1058 : modify agency reporting requirements on licensure, certification, job placements, and the labor market.

Presented by: Dawn Dovre, Department of Labor and Regulation

MOTION: DO PASS HB 1058

Moved by: Kolbeck (Steve)

Second by: Beal

Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Johnson

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1058 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1059 : revise certain provisions regarding insurance holding companies.

Presented by: Frank Marnell, Department of Labor and Regulation

Proponents: Doug Abraham, American Property Casualty Insurance Association, Chicago, IL

Justin G Smith, American Council of Life Insurers, WA

Samuel J Nelson, American International Group, Inc., Seattle, WA

Samuel J Nelson, Corebridge Financial Group, Houston, TX

MOTION: DO PASS HB 1059

Moved by: Schoenbeck

Second by: Beal

Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Johnson

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

HB 1034 : require hydrogen pipelines to be permitted by the Public Utilities Commission.

Presented by: Chris Nelson, Commissioner - PUC, Pierre

MOTION: DO PASS HB 1034

Moved by: Nesiba
Second by: Hoffman
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1034 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Crabtree
Action: Failed by Majority Members Elect (3-5-1-0)

Voting Yes: Crabtree, Schoenbeck, and Beal

Voting No: Hoffman, Kolbeck (Steve), Nesiba, Stalzer, and Wheeler

Excused: Johnson

Revert to previous motion

MOTION: DO PASS HB 1034

Moved by: Nesiba
Second by: Hoffman
Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Hoffman, Kolbeck (Steve), Nesiba, Stalzer, and Wheeler

Voting No: Crabtree, Schoenbeck, and Beal

Excused: Johnson

MOTION: ADJOURN

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

Susan Gullickson, Committee Secretary

/s/ DAVID WHEELER

David Wheeler, Chair