

Committee: House Local Government

Thursday, February 01, 2024 10:00 AM

Roll Call

Present: Rep. Ladner, Rep. Jamison, Rep. Overweg, Rep. Wittman, Rep. Aylward, Rep. Auch, Rep. Bahmuller, Rep. Lems, Rep. Peterson (Sue), Rep. Sjaarda, Rep. Callies, Rep. Fitzgerald, and Rep. Drury

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Drury

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 30TH

Moved by: Fitzgerald
Second by: Ladner
Action: Prevailed by voice vote

HB 1149 : allow for a vacation home establishment and provide for municipal and county regulation thereof.

Presented by: Representative Becky Drury (Handout(s) 1)

Proponents: Matt Krogman, SD Short-term Rental Assoc., Rapid City
Matt Krogman, South Dakota Association of Realtors, Pierre
Jordan Hirschfeld, Self, Rapid City
Jessie Drury, Self, Rapid City
Matt Irwin, Self, Rapid City
Nathan Derksen, Self, Rapid City
Albert Huizing, Self, Sioux Falls
Ashley Boone, Self, Pierre
Tyler Childress, Self, Sioux Falls
Darren Seiden, Self, Rapid City
Brooke Miller, Self, Rapid City

Opponents: Richard Tieszen, Self, Pierre
David Reiss, South Dakota Municipal League, Fort Pierre
Eric Erickson, South Dakota Association of County Commissioners, Pierre
Justin G Smith, Tourism Coalition of South Dakota, Sioux Falls
Garth Wadsworth, Elevate Rapid City, Rapid City
Kevin Kuchenbecker, City of Deadwood, Deadwood (Handout(s) 2)
Kevin Smith, Self, Sioux Falls

MOTION: AMEND HB 1149

1149A

On page 1, line 15, of the Introduced bill, after "property." insert "
Any ordinance or other regulation must be at least as stringent as those adopted by the Department of Health under §§ 34-18-22 and 34-18-22. 3."

On page 2, line 2, of the Introduced bill, after "property." insert "
Any ordinance or other regulation must be at least as stringent as those adopted by the Department of Health under §§ 34-18-22 and 34-18-22. 3."

Moved by: Jamison
Second by: Wittman
Action: Prevailed by voice vote

MOTION: AMEND HB 1149

1149B

On page 1, line 9, of the Introduced bill, after "establishment" delete " only if the regulations provide requirements regarding:

- (1) Fire and building codes;
- (2) Health and sanitation;
- (3) Traffic control;
- (4) Solid or hazardous waste and pollution control; or
- (5) The designation of an emergency contact for the property"

On page 1, line 21, of the Introduced bill, after "establishment" delete " only if the regulations provide requirements regarding:

- (1) Fire and building codes;
- (2) Health and sanitation;
- (3) Traffic control;
- (4) Solid or hazardous waste and pollution control; or
- (5) The designation of an emergency contact for the property"

Moved by: Wittman
 Second by: Sjaarda
 Action: Prevailed by voice vote

MOTION: DEFER HB 1149 TO THE 41ST LEGISLATIVE DAY

Moved by: Callies
 Second by: Bahmuller
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1149 UNTIL TUESDAY, FEBRUARY 06TH, 2024

Moved by: Peterson (Sue)
 Second by: Lems
 Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Jamison, Auch, Lems, Peterson (Sue), Sjaarda, Fitzgerald, and Drury

Voting No: Ladner, Overweg, Wittman, Aylward, Bahmuller, and Callies

HB 1150 : enable the exercise of control by local governments over the presence and operation of medical marijuana establishments within their jurisdictions.

Presented by: Representative Randy Gross (Handout(s) 3)
 Proponents: Tamara R Grove, Protecting South Dakota Kids Inc., Rapid City
 David Reiss, South Dakota Municipal League, Fort Pierre
 Richard Tieszen, South Dakota Sheriffs Association, Eureka
 Michael G. Pauley, South Dakota Catholic Conference, Rapid City
 Lisa Gennaro, Concerned Women for America, Alexandria, VA
 Tonchi Weaver, SD Citizens for Liberty, Rapid City
 Opponents: Jeremiah M. Murphy, Cannabis Industry Association of SD, Sioux Falls
 Charles Foley, Self, Rapid City

MOTION: AMEND HB 1150

1150A

On page 2, line 7, of the Introduced bill, after "an" delete " existing"
On page 2, line 8, of the Introduced bill, delete " during the period for which the establishment's
current registration certificate is valid" and insert " that exists prior to July 1, 2024"

Moved by: Auch
Second by: Lems
Action: Failed by voice vote

MOTION: DO PASS HB 1150

Moved by: Peterson (Sue)
Second by: Fitzgerald
Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Ladner, Overweg, Peterson (Sue), Sjaarda, and Fitzgerald

Voting No: Jamison, Wittman, Aylward, Auch, Bahmuller, Lems, Callies, and Drury

MOTION: DEFER HB 1150 TO THE 41ST LEGISLATIVE DAY

Moved by: Jamison
Second by: Callies
Action: Prevailed by Majority Members Elect (7-6-0-0)

Voting Yes: Jamison, Wittman, Aylward, Auch, Lems, Callies, and Drury

Voting No: Ladner, Overweg, Bahmuller, Peterson (Sue), Sjaarda, and Fitzgerald

HB 1194 : clarify provisions pertaining to tax increment finance districts.

Presented by: Representative Neal Pinnow
Proponents: Eric Erickson, South Dakota Association of County Commissioners, Pierre
Representative Roger Chase
David Reiss, South Dakota Municipal League, Fort Pierre

MOTION: AMEND HB 1194

1194A

On page 6, line 7, of the Introduced bill, delete " treasurer" and insert " auditor"
On page 6, line 10, of the Introduced bill, delete " treasurer" and insert " auditor"
On page 6, line 16, of the Introduced bill, after "any" insert " completed"
On page 6, line 16, of the Introduced bill, after "additions" delete ", completed or removed,"

Moved by: Jamison
Second by: Fitzgerald
Action: Prevailed by voice vote

MOTION: DO PASS HB 1194 AS AMENDED

Moved by: Wittman

Second by: Bahmuller
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Jamison, Overweg, Wittman, Aylward, Auch, Bahmuller, Lems, Peterson (Sue), Sjaarda, Callies, Fitzgerald, and Drury

Excused: Ladner

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1194 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 5 : reduce the amount of time required before the removal of a city manager is effective.

Presented by: Representative Greg Jamison
Proponents: David Reiss, South Dakota Municipal League, Fort Pierre

MOTION: DO PASS SB 5

Moved by: Overweg
Second by: Auch
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Jamison, Overweg, Wittman, Aylward, Auch, Bahmuller, Lems, Peterson (Sue), Sjaarda, Callies, Fitzgerald, and Drury

Excused: Ladner

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 5 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Sjaarda
Second by: Auch
Action: Prevailed by voice vote

James Sapp, Committee Secretary

/s/ BECKY J. DRURY
Becky J. Drury, Chair