

Committee: House Commerce and Energy

Monday, February 05, 2024 10:00 AM

Roll Call

Present: Rep. Arlint, Rep. Callies, Rep. Donnell, Rep. Duffy, Rep. Krohmer, Rep. Nelson, Rep. Pinnow, Rep. Schneider, Rep. Shorma, Rep. Perry, and Rep. Weisgram

Excused: Rep. Bahmuller and Rep. Mulally

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Weisgram

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 02ND

Moved by: Krohmer
Second by: Pinnow
Action: Prevailed by voice vote

HB 1185 : amend provisions regarding entry on private property for examination and survey of a project requiring a siting permit.

Presented by: Representative Will Mortenson

Proponents: Betty Strom, self, Sioux Falls (Handout(s) 1, 2)
Aaron Johnson, self, Madison (Handout(s) 3)
Matthew M Bogue, South Dakota Farm Bureau Federation, Huron
Samuel J. Nelson, South Dakota Corn Growers Association, Sioux Falls
Samuel J. Nelson, Missouri River Energy Services, Sioux Falls
Samuel J. Nelson, Economic Dev. Professionals Association, Aberdeen
Walt Bones, Self, Parker
Matthew McCaulley, South Dakota Ethanol Producers Association, Onida (Handout(s) 4)
Rob Skjonsberg, South Dakota Soybean Association, Sioux Falls
Taya Runyan, South Dakota Cattlemen's Association, Pierre
Jason Alan Glodt, South Dakota Landowner and Outfitter Alliance, Pierre
Sal Roseland, Self, South Dakota Ag Alliance, Faulkton
Opponents: Justin Bell, Summit Carbon Solutions, Ames, IA (Handout(s) 5,6,7,8)
Steve Willard, South Dakota Electric Utility Companies, Pierre

MOTION: AMEND HB 1185

1185A

On page 1, line 21, of the Introduced bill, delete " will" and insert " may"
On page 1, line 23, of the Introduced bill, delete " agent" and insert " manager"

Moved by: Arlint
Second by: Donnell
Action: Prevailed by voice vote

MOTION: DO PASS HB 1185 AS AMENDED

Moved by: Duffy
Second by: Arlint

Action: Prevailed by Majority Members Elect (10-1-2-0)

Voting Yes: Arlint, Callies, Donnell, Duffy, Nelson, Pinnow, Schneider, Shorma, Perry, and Weisgram

Voting No: Krohmer

Excused: Bahmuller and Mulally

HB 1186 : define the requirements for granting a carbon pipeline easement.

Presented by: Representative Will Mortenson

Proponents: Matthew M Bogue, South Dakota Farm Bureau Federation, Huron Ed Fischbach, self, Mellette Taya Runyan, South Dakota Cattlemen's Association, Pierre Rob Skjonsberg, South Dakota Soybean Association, Sioux Falls Samuel J. Nelson, South Dakota Corn Growers Association, Sioux Falls Jason Alan Glodt, South Dakota Landowner and Outfitter Alliance, Pierre Walt Bones, Self, Parker

Opponents: Brett Koenecke, Summit Carbon Solutions, Ames, IA David Owen, South Dakota Chamber of Commerce & Industry, Pierre Kent Hartwig, GEVO INC, Centennial, CO William M. Van Camp, Ringneck Energy, Onida

Others: DaNita Murray, self, South Dakota Corn Growers, Sioux Falls

MOTION: AMEND HB 1186

1186A

On page 1, line 17, of the Introduced bill, after "no" insert " permit has been granted by the Public Utilities Commission pertaining to the"

On page 1, line 18, of the Introduced bill, after "easement" delete " has occurred"

On page 1, line 19, of the Introduced bill, delete " Payments" and insert " In addition to an initial payment for the easement, payments"

Moved by: Pinnow

Second by: Schneider

Action: Prevailed by voice vote

MOTION: DO PASS HB 1186 AS AMENDED

Moved by: Pinnow

Second by: Donnell

Action: Prevailed by Majority Members Elect (8-3-2-0)

Voting Yes: Arlint, Donnell, Duffy, Pinnow, Schneider, Shorma, Perry, and Weisgram

Voting No: Callies, Krohmer, and Nelson

Excused: Bahmuller and Mulally

HB 1190 : establish public use criteria for purposes of condemnation proceedings.

Presented by: Representative Scott Odenbach

- Proponents: Craig Schaunaman, self, Aberdeen
Jeremiah M. Murphy, South Dakota Stockgrowers Association, Rapid City
- Opponents: Mitch Rave, Greater Sioux Falls Chamber of Commerce, Sioux Falls
Lindsey Riter-Rapp, South Dakota Association of Rural Water Systems, Madison
Brett Koenecke, South Dakota Electric Utility Companies, Pierre
Matthew McCaulley, South Dakota Ethanol Producers Association, Onida
William M. Van Camp, Ringneck Energy, Onida
William M. Van Camp, Redfield Energy LLC, Redfield
William M. Van Camp, Glacial Lakes Energy, LLC, Watertown

MOTION: AMEND HB 1190

1190F

On page 2, line 24, of the Introduced bill, after "1-16A;
(6)" insert "Exercised by the South Dakota Science and Technology Authority in accordance with chapter 1-16H;

(7) "

- On page 2, line 26, of the Introduced bill, delete "(7)" and insert "(8)"
- On page 2, line 28, of the Introduced bill, delete "(8)" and insert "(9)"
- On page 2, line 30, of the Introduced bill, delete "(9)" and insert "(10)"
- On page 2, line 31, of the Introduced bill, delete "(10)" and insert "(11)"
- On page 3, line 1, of the Introduced bill, delete "(11)" and insert "(12)"
- On page 3, line 1, of the Introduced bill, delete "(12)" and insert "(13)"
- On page 3, line 2, of the Introduced bill, delete "(13)" and insert "(14)"
- On page 3, line 3, of the Introduced bill, delete "(14)" and insert "(15)"
- On page 3, line 4, of the Introduced bill, delete "(15)" and insert "(16)"
- On page 3, line 5, of the Introduced bill, delete "(16)" and insert "(17)"
- On page 3, line 7, of the Introduced bill, delete "(17)" and insert "(18)"
- On page 3, line 9, of the Introduced bill, delete "(18)" and insert "(19)"
- On page 3, line 11, of the Introduced bill, delete "(19)" and insert "(20)"
- On page 3, line 13, of the Introduced bill, delete "(20)" and insert "(21)"
- On page 3, line 15, of the Introduced bill, delete "(21)" and insert "(22)"
- On page 3, line 16, of the Introduced bill, delete "(22)" and insert "(23)"
- On page 3, line 18, of the Introduced bill, delete "(23)" and insert "(24)"
- On page 3, line 20, of the Introduced bill, delete "(24)" and insert "(25)"
- On page 3, line 22, of the Introduced bill, delete "(25)" and insert "(26)"
- On page 3, line 24, of the Introduced bill, delete "(26)" and insert "(27)"
- On page 3, line 26, of the Introduced bill, delete "(27)" and insert "(28)"
- On page 3, line 28, of the Introduced bill, delete "(28)" and insert "(29)"
- On page 3, line 29, of the Introduced bill, delete "(29)" and insert "(30)"
- On page 3, line 30, of the Introduced bill, delete "(30)" and insert "(31)"
- On page 3, line 31, of the Introduced bill, delete "(31)" and insert "(32)"
- On page 3, line 32, of the Introduced bill, delete "(32)" and insert "(33)"
- On page 3, line 34, of the Introduced bill, delete "(33)" and insert "(34)"
- On page 4, line 1, of the Introduced bill, delete "(34)" and insert "(35)"
- On page 4, line 4, of the Introduced bill, delete "(35)" and insert "(36)"
- On page 4, line 5, of the Introduced bill, delete "(36)" and insert "(37)"
- On page 4, line 9, of the Introduced bill, delete "(37)" and insert "(38)"
- On page 4, line 10, of the Introduced bill, delete "(38)" and insert "(39)"
- On page 4, line 11, of the Introduced bill, delete "(39)" and insert "(40)"
- On page 4, line 12, of the Introduced bill, delete "(40)" and insert "(41)"
- On page 4, line 14, of the Introduced bill, delete "(41)" and insert "(42)"
- On page 4, line 15, of the Introduced bill, delete "(42)" and insert "(43)"
- On page 4, line 17, of the Introduced bill, delete "(43)" and insert "(44)"
- On page 4, line 19, of the Introduced bill, delete "(44)" and insert "(45)"

On page 4, line 21, of the Introduced bill, delete "(45)" and insert "(46)"
 On page 4, line 22, of the Introduced bill, delete "(46)" and insert "(47)"
 On page 4, line 24, of the Introduced bill, delete "(47)" and insert "(48)"
 On page 4, line 25, of the Introduced bill, delete "(48)" and insert "(49)"
 On page 4, line 27, of the Introduced bill, delete "(49)" and insert "(50)"
 On page 4, line 29, of the Introduced bill, delete "(50)" and insert "(51)"
 On page 4, line 31, of the Introduced bill, delete "(51)" and insert "(52)"
 On page 4, line 33, of the Introduced bill, delete "(52)" and insert "(53)"
 On page 4, line 35, of the Introduced bill, delete "(53)" and insert "(54)"
 On page 5, line 1, of the Introduced bill, delete "(54)" and insert "(55)"
 On page 5, line 3, of the Introduced bill, delete "(55)" and insert "(56)"
 On page 5, line 4, of the Introduced bill, delete "(56)" and insert "(57)"
 On page 5, line 5, of the Introduced bill, delete "(57)" and insert "(58)"
 On page 5, line 6, of the Introduced bill, delete "(58)" and insert "(59)"
 On page 5, line 7, of the Introduced bill, delete "(59)" and insert "(60)"
 On page 5, line 8, of the Introduced bill, delete "(60)" and insert "(61)"
 On page 5, line 10, of the Introduced bill, delete "(61)" and insert "(62)"
 On page 5, line 11, of the Introduced bill, delete "(62)" and insert "(63)"
 On page 5, line 13, of the Introduced bill, delete "(63)" and insert "(64)"
 On page 5, line 14, of the Introduced bill, delete "(64)" and insert "(65)"
 On page 5, line 16, of the Introduced bill, delete "(65)" and insert "(66)"
 On page 5, line 17, of the Introduced bill, delete "(66)" and insert "(67)"
 On page 5, line 21, of the Introduced bill, delete "(67)" and insert "(68)"
 On page 5, line 25, of the Introduced bill, delete "(68)" and insert "(69)"
 On page 5, line 26, of the Introduced bill, delete "(69)" and insert "(70)"
 On page 5, line 33, of the Introduced bill, delete "a" and insert "an electric "
 On page 5, line 33, of the Introduced bill, after "atransmission" insert the comma
 On page 5, line 33, of the Introduced bill, after "atransmission " insert "generation, "
 On page 5, line 33, of the Introduced bill, after "facility" insert " necessary for the transmission, generation, or distribution of electricity"
 On page 6, line 10, of the Introduced bill, after "the " insert "creation, utilization, or operation of a publicly funded research or laboratory space within the workings of a former underground mine or the "
 On page 6, line 11, of the Introduced bill, after "measures; " insert "
 (6) Culminate in the construction or maintenance of telecommunications infrastructure by entities under the regulatory authority of the Public Utilities Commission; "
 On page 6, line 12, of the Introduced bill, delete "(6)" and insert "(7)"
 Moved by: Arlint
 Second by: Nelson
 Action: Prevailed by voice vote

MOTION: AMEND HB 1190

1190G

On page 2, line 24, of the Introduced bill, after "1-16A;
 (6)" insert "Exercised by the South Dakota Science and Technology Authority in accordance with chapter 1-16H;
 (7) "
 On page 2, line 26, of the Introduced bill, delete "(7)" and insert "(8)"
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On page 6, line 10, of the Introduced bill, after "the " insert "creation, utilization, or operation of a publicly funded research or laboratory space within the workings of a former underground mine or the "

On page 6, line 11, of the Introduced bill, after "measures; " insert "
(6) Culminate in the construction or maintenance of telecommunications infrastructure by entities under the regulatory authority of the Public Utilities Commission; "

On page 6, line 12, of the Introduced bill, delete "(6)" and insert "(7)"

On page 6, line 14, of the Introduced bill, after "both." delete "An economic development effort or other undertaking, which is designed to increase the tax base, increase tax revenues, increase employment, or improve general economic well-being, is not sufficient to constitute a public use, unless the effort or undertaking also meets one of the requirements set forth in this section."

Moved by: Nelson
Action: Died for lack of a second

MOTION: DO PASS HB 1190 AS AMENDED

Moved by: Krohmer
Second by: Perry
Action: Failed by Majority Members Elect (4-7-2-0)

Voting Yes: Donnell, Krohmer, Nelson, and Perry
Voting No: Arlint, Callies, Duffy, Pinnow, Schneider, Shorma, and Weisgram
Excused: Bahmuller and Mulally

MOTION: DEFER HB 1190 TO THE 41ST LEGISLATIVE DAY

Moved by: Callies
Second by: Pinnow
Action: Prevailed by Majority Members Elect (8-3-2-0)
Voting Yes: Arlint, Callies, Duffy, Nelson, Pinnow, Schneider, Shorma, and Weisgram
Voting No: Donnell, Krohmer, and Perry
Excused: Bahmuller and Mulally

HB 1193 : provide that required siting permits be filed with condemnation petitions.

Presented by: Representative Rocky Blare
Proponents: Orrin Geide, self, Hartford
John Schutte, self, Canton
Jennifer Poindexter, self, Ree Heights
Ed Fischbach, self, Mellette
Frank Kloucek, self, Scotland
John Schmidt, self, Woonsocket
Opponents: Steve Willard, South Dakota Electric Utility Companies, Pierre
Samuel J.Nelson, Missouri River Energy Services, Sioux Falls
Trevor Jones, Summit Carbon Solutions, Ames, IA
Mitch Rave, Greater Sioux Falls Chamber of Commerce, Sioux Falls

MOTION: DEFER HB 1193 TO THE 41ST LEGISLATIVE DAY

Moved by: Arlint
Second by: Duffy
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1193

Moved by: Donnell
Second by: Krohmer
Action: Failed by Majority Members Elect (4-7-2-0)

Voting Yes: Donnell, Krohmer, Nelson, and Perry

Voting No: Arlint, Callies, Duffy, Pinnow, Schneider, Shorma, and Weisgram

Excused: Bahmuller and Mulally

Revert to previous motion

MOTION: DEFER HB 1193 TO THE 41ST LEGISLATIVE DAY

Moved by: Arlint
Second by: Duffy
Action: Prevailed by Majority Members Elect (7-4-2-0)

Voting Yes: Arlint, Callies, Duffy, Pinnow, Schneider, Shorma, and Weisgram

Voting No: Donnell, Krohmer, Nelson, and Perry

Excused: Bahmuller and Mulally

HB 1203 : clarify references to the court in a condemnation proceeding.

Presented by: Representative Karla Lems
Proponents: Joy Hohn, Self, Hartford
Jeremiah M. Murphy, Landowners for Eminent Domain Reform, Omaha, NE
John Schmidt, self, Woonsocket
Melissa McCauley, Dakota Rural Action, Brookings
Opponents: Brett Koenecke, South Dakota Electric Utility Companies, Pierre
Justin Bell, Summit Carbon Solutions, Ames, IA
Samuel J. Nelson, Missouri River Energy Services, Sioux Falls
Ellie J. Bailey, South Dakota Rural Electric Association, Pierre

MOTION: DO PASS HB 1203

Moved by: Krohmer
Second by: Pinnow
Action: Prevailed by Majority Members Elect (8-3-2-0)

Voting Yes: Arlint, Donnell, Krohmer, Nelson, Pinnow, Shorma, Perry, and Weisgram

Voting No: Callies, Duffy, and Schneider

Excused: Bahmuller and Mulally

MOTION: ADJOURN

Moved by: Krohmer

Second by: Shorma

Action: Prevailed by voice vote

Jean Denton, Committee Secretary

/s/ MIKE WEISGRAM
Mike Weisgram, Chair