

Committee: Senate Local Government

Wednesday, February 14, 2024 10:00 AM

Roll Call

Present: Sen. Deibert, Sen. Johnson, Sen. Kolbeck (Steve), Sen. Larson, Sen. Pischke, Sen. Mehlhaff, and Sen. Reed

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 07<sup>TH</sup>**

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

**SB 195 : modify provisions regarding the process to vacate certain highways.**

Presented by: Senator Herman Otten  
Proponents: Roger A. Tellinghuisen, South Dakota Association of County Commissioners, Pierre  
Mitch Richter, South Dakota Wildlife Federation, Rapid City, SD  
Paul Lepisto, SD Division of the Izaak Walton League of America, North Sioux City  
Opponents: Jason Alan Glodt, South Dakota Landowner and Outfitter Alliance, Pierre

**MOTION: AMEND SB 195**

195B

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 1. That a NEW SECTION be added to chapter 31-18:**

After a county or township vacates, changes, or relocates a section-line highway, the commissioner of school and public lands must review the petition to vacate, change, or relocate the highway to ensure compliance with the requirements in § 31-3-6.1. Any petition submitted for review must include a legal description of the location of the section-line highway and a description of the action taken. If the commissioner finds the petition complies with § 31-3-6.1, the county or township shall file the petition in accordance with state law. The petition must include an attached statement from the commissioner stating compliance with § 31-3-6.3. If the commissioner finds after review that the petition does not comply with § 31-3-6.1, the petition must be declared void ab initio. If the commissioner finds the petition is void ab initio, the commissioner shall notify the county or township. The commissioner shall have seven days from receipt of the petition to review the petition for compliance. The commissioner shall create a form to be attached to the petition.

Any adverse decision by the commissioner may be appealed to the circuit court. "

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

**MOTION: DO PASS SB 195 AS AMENDED**

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

Voting Yes: Johnson, Kolbeck (Steve), Larson, Pischke, Mehlhaff, and Reed

Excused: Deibert

**SB 199 : revise provisions pertaining to the consolidation or boundary changes of counties.**

Presented by: Senator David Johnson  
 Proponents: Eric Erickson, South Dakota Association of County Commissioners, Pierre

**MOTION: AMEND SB 199**

199C

On page 2, line 15, of the Introduced bill, after "include" insert " two members of the board of county commissioners from each affected county and"

On page 2, line 15, of the Introduced bill, delete " city" and insert " first or second class municipality"

On page 2, line 26, of the Introduced bill, after "recommendations." insert "

The study committee may not expend more than an amount equal to two-fifths of the South Dakota median household income reported by the United States Census Current Population Survey, as ascertained and adjusted each year by the State Board of Finance to take effect on January first of each year, without the consent of the boards of county commissioners of each of the affected counties. "

On page 2, line 30, of the Introduced bill, after "performed." delete "The office of the secretary of state shall reimburse each county for the necessary costs of a study committee formed pursuant to § 7-2-1 or section 2 of this Act. The secretary of state shall promulgate rules, pursuant to chapter 1-26, defining the necessary costs of a study committee and the reimbursement process."

On page 3, line 3, of the Introduced bill, delete " twenty" and insert " eighty"

On page 3, line 13, of the Introduced bill, after "boundaries;(5)" insert "The location of the county seat for the new county;

(6) The name of the new county;

(7) "

On page 3, line 16, of the Introduced bill, delete "(6)" and insert "(8)"

On page 3, line 19, of the Introduced bill, delete "(7)" and insert "(9)"

On page 3, line 20, of the Introduced bill, delete "(8)" and insert "(10)"

On page 3, line 22, of the Introduced bill, delete "(9)" and insert "(11)"

On page 3, line 25, of the Introduced bill, delete "(10)" and insert "(12)"

On page 4, line 28, of the Introduced bill, after "7-2-10" insert ", or as otherwise set forth in the study committee's county consolidation plan"

On page 5, line 1, of the Introduced bill, after "7-2-7. " delete "Any new county formed pursuant to this chapter shall take the name of the "

On page 5, line 2, of the Introduced bill, after "senior" delete " county that had the largest population before consolidation"

On page 5, line 5, of the Introduced bill, after "county" insert "The name of a new county formed pursuant to this chapter must be the name set forth in the study committee's county consolidation plan"

On page 5, line 12, of the Introduced bill, after "shall" delete " designate the location of the county seat for the new county and shall"

On page 5, line 13, of the Introduced bill, delete " five" and insert " three to seven"

On page 5, line 15, of the Introduced bill, after "districts" insert ", or provide that the commissioners are elected at large, if so designated in the study committee's county consolidation plan"

Moved by: Pischke  
Second by: Larson  
Action: Prevailed by voice vote

**MOTION: DO PASS SB 199 AS AMENDED**

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

Voting Yes: Deibert, Johnson, Kolbeck (Steve), Larson, Mehlhaff, and Reed

Excused: Pischke

**SB 197 : revise provisions regarding the alcohol beverage fund.**

Presented by: Senator Randy Deibert (Handout(s) 1)  
Proponents: Craig Matson, South Dakota Association of County Commissioners, Pierre  
Opponents: Derek Johnson, Bureau of Finance and Management  
William M. Van Camp, South Dakota Retailers Association, Pierre

**MOTION: REFER SB 197 TO JOINT COMMITTEE ON APPROPRIATIONS DO PASS**

Moved by: Johnson  
Second by: Mehlhaff  
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Deibert, Johnson, Kolbeck (Steve), Larson, Mehlhaff, and Reed

Excused: Pischke

**MOTION: ADJOURN**

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

Susan Gullickson, Committee Secretary

\_\_\_\_\_  
/s/ TIM REED  
Tim Reed, Chair