

Minutes: House Commerce and Energy
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Wednesday, January 29, 2025 10:00 AM

Roll Call

Present: Rep. Aylward, Rep. Duffy, Rep. Greenfield, Rep. Kayser, Rep. Mulally,
Rep. Nolz, Rep. Peterson (Drew), Rep. Schwans, Rep. Shorma, Rep. Uhre-
Balk, Rep. Weisgram, Rep. Bahmuller, and Rep. Lems

The meeting was called to order by Representative Lems

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 27TH

Moved by: Mulally
Second by: Bahmuller
Action: Prevailed by voice vote

HB 1079 : increase the number of off-sale licenses from two to three in municipalities of one thousand or less.

Presented by: Representative David Kull
Proponents: Yvonne Taylor, South Dakota Municipal League, Fort Pierre
Doug Abraham, South Dakota Retailers Association, Pierre
Brian Burge, Self, Beresford

MOTION: AMEND HB 1079

1079A

On page 1, after line 21, of the Introduced bill, insert: "

Section 2. That § 35-4-11.1 be AMENDED:

35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county commissioners ~~shall~~ must, before the second of September in each year, determine the number of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses. The number of licenses issued pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. The number of licenses issued pursuant to subdivision 35-4-2(3) may not exceed ~~two~~ three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. ~~No A~~ county off-sale license may not be issued for a retailer located within three miles of the exterior boundary of an incorporated municipality. The population includes only those residing within the county, but outside the incorporated municipalities and improvement districts, created pursuant to chapter 7-25A, within the county. ~~No A~~ licensee regularly licensed to do business on July 1, 1981, may not be denied reissuance of a license in subsequent years solely by reason of any limitations, based upon population quotas, of the number of licenses authorized or established under the provisions of this title. Licenses issued to concessionaires, and lessees of ~~the State of South Dakota~~ this state, within the boundaries of state parks, prior to January 1, 1983, may be subtracted when calculating the total number of licenses permitted in this section."

Moved by: Mulally

Second by: Shorma
Action: Prevailed by voice vote

MOTION: DO PASS HB 1079 AS AMENDED

Moved by: Shorma
Second by: Weisgram
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Aylward, Duffy, Kayser, Nolz, Peterson (Drew), Schwans, Shorma, Uhre-Balk, Weisgram, Bahmuller, and Lems

Voting No: Mulally

Excused: Greenfield

SB 30 : remove outdated provisions within the insurance code.

Presented by: Frank Marnell, Division of Insurance, Pierre
Opponents: Chet Ellsworth, self, Rapid City (Handout(s) 1)

MOTION: DEFER SB 30 UNTIL MONDAY, FEBRUARY 03RD, 2025

Moved by: Aylward
Second by: Mulally
Action: Failed by roll call vote (6-6-1-0)

Voting Yes: Aylward, Kayser, Mulally, Nolz, Schwans, and Lems

Voting No: Duffy, Peterson (Drew), Shorma, Uhre-Balk, Weisgram, and Bahmuller

Excused: Greenfield

MOTION: DO PASS SB 30

Moved by: Peterson (Drew)
Second by: Duffy
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Duffy, Greenfield, Kayser, Peterson (Drew), Shorma, Uhre-Balk, Weisgram, and Bahmuller

Voting No: Aylward, Mulally, Nolz, Schwans, and Lems

SB 36 : repeal the oath requirement for an application for a lodging establishment, campground, food service establishment, or mobile food service establishment license.

Presented by: Lynne Valenti, Department of Health (Handout(s) 2)
Proponents: Doug Abraham, South Dakota Retailers Association, Pierre
Jasper Diegel, South Dakota Hotel & Lodging Association, Pierre

MOTION: DO PASS SB 36

Moved by: Greenfield
Second by: Shorma
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Duffy, Greenfield, Kayser, Mulally, Nolz, Peterson (Drew), Schwans, Shorma, Uhre-Balk, Weisgram, Bahmuller, and Lems

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 36 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

MOTION: ADJOURN

Moved by: Bahmuller
Second by: Mulally
Action: Prevailed by voice vote

Jean Denton, Committee Secretary

/s/ KARLA J. LEMS
Karla J. Lems, Chair