

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 Bahmuller

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 19TH

Moved by: Nolz
Second by: Uhre-Balk
Action: Prevailed by voice vote

HB 1249 : protect landowners from the use of deception, fraud, harassment, intimidation, misrepresentation, or threat, in acquiring easements for linear infrastructure.

Presented by: Representative Kaley Nolz
Proponents: Chase Jensen, Dakota Rural Action, Brookings
Opponents: Justin Bell, Summit Carbon Solutions, Ames, IA

MOTION: AMEND HB 1249

1249B

On the previously adopted amendment (1249A), On page 1, line 6, after "person" insert " owning or proposing a facility carrying carbon oxide, or an individual who is acting as an agent of, is contracted with, or"

On the previously adopted amendment (1249A), On page 1, line 6, after "person " insert "is "

On the previously adopted amendment (1249A), On page 1, line 6, remove the overstrikes from "employed by"

On the previously adopted amendment (1249A), On page 1, line 6, after "entity" delete " attempting to acquire"

On the previously adopted amendment (1249A), On page 1, line 7, after "easements" delete " an easement or easement"

On the previously adopted amendment (1249A), On page 1, line 7, delete " option, pursuant to this chapter," and insert " a person owning or proposing a facility carrying carbon oxide,"

On the previously adopted amendment (1249A), On page 1, line 12, after "section" insert " no later than twelve months after the date the violation allegedly occurred"

On the previously adopted amendment (1249A), On page 1, line 13, after "determines" delete " that the person used"

On the previously adopted amendment (1249A), On page 1, line 14, delete the comma and insert " was used"

On the previously adopted amendment (1249A), On page 1, line 15, after "option" delete " from the landowner"

On the previously adopted amendment (1249A), On page 1, line 17, remove the overstrikes from " the"

On the previously adopted amendment (1249A), On page 1, line 17, after "the" delete " any"

On the previously adopted amendment (1249A), On page 1, line 19, delete " any" and insert " the"

On the previously adopted amendment (1249A), On page 1, line 22, after "as" insert " punitive"

On the previously adopted amendment (1249A), On page 1, line 23, after "damages" delete ", punitive or compensatory"

On the previously adopted amendment (1249A), On page 1, line 24, after "party;" insert " and"

On the previously adopted amendment (1249A), On page 1, line 25, after "party; (5)" delete " In all subsequent negotiations for an easement or easement option: (a) Require that the offending party communicate with the landowner through counsel; (b) Appoint counsel to represent the landowner, if necessary; and (c) Order the offending party to pay the landowner's legal fees; and (6)"

On the previously adopted amendment (1249A), On page 2, line 5, delete " person" and insert " individual"

On the previously adopted amendment (1249A), On page 2, line 6, delete " engaging with any third party" and insert " participating"

On the previously adopted amendment (1249A), On page 2, line 9, delete " or" and insert " of"

On the previously adopted amendment (1249A), On page 2, line 10, after "landowner." delete "

If the court determines a public utility, as defined in § 49-41B-2, or an employee or agent of the utility knowingly allowed, encouraged, engaged, or participated with the person using deception, fraud, harassment, intimidation, misrepresentation, or threat against the landowner, the court must order a copy of its decision to be filed with the Public Utilities Commission.

Upon receipt of the court's decision pursuant to this section, the commission may revoke or suspend any permit issued for the portion of the route affecting the aggrieved landowner. If a permit has not been issued with respect to a site or route affecting the aggrieved landowner, the commission may refuse to issue a permit for the portion of the route affecting the aggrieved landowner."

On the previously adopted amendment (1249A), On page 2, line 23, after "lines." insert " The aggrieved landowner shall file a copy of the court's decision with the Public Utilities Commission."

On the previously adopted amendment (1249A), On page 2, line 26, delete " dioxide" and insert " oxide"

On the previously adopted amendment (1249A), On page 2, after line 27, insert: "

Section 3. That a NEW SECTION be added to chapter 49-41B:

Upon receipt of a copy of the court's decision pursuant to section 1 of this Act, the commission may refuse to issue a permit for the proposed facility carrying carbon oxide as to the affected portion of the aggrieved landowner's property."

Moved by: Schwans
Second by: Greenfield
Action: Prevailed by voice vote

MOTION: DO PASS HB 1249

Moved by: Lems

Second by: Schwans
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1249 TO THE 41ST LEGISLATIVE DAY

Moved by: Shorma
Second by: Duffy
Action: Failed by Majority Members Elect (4-8-1-0)

Voting Yes: Duffy, Peterson (Drew), Shorma, and Weisgram

Voting No: Aylward, Greenfield, Kayser, Nolz, Schwans, Uhre-Balk, Bahmuller, and Lems

Excused: Mulally

Revert to previous motion

MOTION: DO PASS HB 1249 AS AMENDED

Moved by: Lems
Second by: Schwans
Action: Prevailed by Majority Members Elect (8-4-1-0)

Voting Yes: Aylward, Greenfield, Kayser, Nolz, Schwans, Uhre-Balk, Bahmuller, and Lems

Voting No: Duffy, Peterson (Drew), Shorma, and Weisgram

Excused: Mulally

HB 1085 : establish a moratorium on the construction of carbon dioxide pipelines in this state and to declare an emergency.

Presented by: Representative Richard Vasgaard
Proponents: Chase Jensen, Dakota Rural Action, Brookings
Opponents: Brett Koenecke, Summit Carbon Solutions, Ames, IA
 Samuel J. Nelson, Economic Development Professionals Association, Mitchell

MOTION: AMEND HB 1085

1085A

On page 1, line 5, of the Introduced bill, delete "Except as otherwise provided in this section, the" and insert "The"

Moved by: Greenfield
Second by: Schwans
Action: Prevailed by voice vote

MOTION: DO PASS HB 1085 AS AMENDED

Moved by: Kayser
Second by: Schwans

Action: Prevailed by Majority Members Elect (7-6-0-0)

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

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

SB 93 : prohibit payment or rebate of insurance deductibles by contractors providing motor vehicle repair services.

Presented by: Representative William Shorma (Handout(s) 1)

Proponents: Justin G. Smith, South Dakota Auto Body Association, Incorporated, Brookings
Doug Abraham, American Property Casualty Insurance Association, Chicago, IL (Handout(s) 2)
Doug Abraham, De Smet Insurance Company of South Dakota
Craig Matson, South Dakota Insurance Alliance, Sioux Falls
Craig Matson, Farmers Mutual, Lincoln, NE

MOTION: DO PASS SB 93

Moved by: Schwans

Second by: Kayser

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 93 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Shorma

Second by: Uhre-Balk

Action: Prevailed by voice vote

Jean Denton, Committee Secretary

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