Roll Call

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Ewing

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 12TH

Moved by: Klumb
Second by: Youngberg
Action: Prevailed by voice vote

SB 157: revise certain provisions regarding the county zoning and appeals process.

Presented by: Kristi Noem, Governor (Handout(s) 1,2,3)
Proponents: Jason Simmons, Governor's Office
Cindy Heiberger, South Dakota Association of County Commissioners
Brian Donahoe, SD Pork Producers
Craig Andersen, SD Pork Producers (Handout(s) 4)
Eric Jennings, SD Cattleman's Association
Scott VanderWal, South Dakota Farm Bureau Federation
Jerry Schmitz, SD Soybean Association (Handout(s) 5)
Nathan Sanderson, SD Retailers Association
Curt Everson, SD Bankers Association
Chris Studer, East River Electric
Grace Beck, South Dakota Corn Growers Association
Steve Willard, South Dakota Electric Utility Companies
Bill Van Camp, Nextera Energy Sources
David Owen, SD Chamber of Commerce
Matt Krogman, Independent Community of Bankers of South Dakota
Travis Mockler, Self, Centerville
Tim Dougherty, South Dakota Ethanol Producers
Deb Mortenson, South Dakota Wind Energy Association
Jeff Griffin, Sioux Falls Chamber
Carmen Schramm, Yankton Area Chamber
Lorin Pankratz, South Dakota Pork Producers
Hunter Roberts, Dept. of Enviro and Nat Resources

Opponents: Amber Christenson, self, Strandburg
Nick Nemec, self, Holabird
Mark Winegar, Sierra Club
Frank Kloucek, self, Scotland, South Dakota
Rebecca Terk, Dakota Rural Action
Greg Cournoyer Jr, Yankton Sioux Tribe
Kathy Tyler, self, Big Stone City
Al Robish, self, Strandburg
Jim Headley, self, White Lake
Julie Santella, self, Rapid City
MOTION: AMEND SB 157

On page 2, line 8, of the Introduced bill, after "chapter " delete "that provides for conditional uses of real property ".
On page 2, line 10, of the Introduced bill, after "that " delete "conditional"
On page 2, line 10, of the Introduced bill, after "A " delete "conditional"
On page 2, line 12, of the Introduced bill, after "met. " delete "The certification process may include adoption of a simple majority affirmative vote requirement pursuant to subdivision 11-2-53(3) for approval or confirmation that the specified criteria are met."
On page 2, line 17, of theIntroduced bill, after "certification " delete "by a zoning officer ".
On page 2, line 19, of the Introduced bill, delete "project " and insert "applicant "
On page 2, line 19, of the Introduced bill, delete "and is deemed to meet the requirements set forth in § 11-2-17. 3, but" and insert "A special permitted use"
On page 3, line 26, of the Introduced bill, delete ", that is not" and insert " to grant or deny the permit. No other appeal such as any relating to"
On page 3, line 27, of the Introduced bill, after "decision" insert " is authorized by this section"
On page 3, line 28, of the Introduced bill, delete "fourteen " and insert "twenty-one "
On page 4, line 15, of the Introduced bill, after "official" delete " or commission on appeal, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance,"
On page 4, line 30, of the Introduced bill, after "official" delete " or commission on appeal"
On page 5, line 7, of the Introduced bill, after "severally, " delete "or any taxpayer, "
On page 5, line 17, of the Introduced bill, delete "petition presented" and insert "petitioner"
On page 5, line 17, of the Introduced bill, delete "be accompanied by a bond in the amount of two hundred fifty dollars with one or more sureties to be approved by the county auditor conditioned that the appellant shall prosecute the appeal without delay and pay all costs that the appellant may be adjudged to pay in the circuit court. The bond shall be executed to the county and may be sued in the name of the county upon breach of any condition in the bond" and insert "pay all transcript costs required to complete the record of proceedings of the board appealed from"
On page 5, line 23, of the Introduced bill, after "bond." insert ":

Section 12. That § 11-2-61.1 be AMENDED:

11-2-61.1. Appeal of grant or denial of conditional use permit. Any appeal of a decision relating to the grant or denial of a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority's ordinances.

Moved by: Klumb
Second by: Langer
Action: Prevailed by voice vote

MOTION: DO PASS SB 157 AS AMENDED

Moved by: Brock Greenfield
Second by: Langer
Action: Prevailed by roll call vote (6-3-0-0)

Voting Yes: Brock Greenfield, Langer, Novstrup, Youngberg, Klumb, and Ewing

Voting No: Bolin, Heinert, and Kennedy

THE CHAIR DEFERRED SB 140

THE CHAIR DEFERRED SB 186

MOTION: ADJOURN

Moved by: Langer
Second by: Heinert
Action: Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

/s/ JOSHUA KLUMB
Joshua Klumb, Vice-Chair