

Committee: Senate State Affairs

Wednesday, February 19, 2020 10:00 AM

Roll Call

Present: Sen. Bolin, Sen. Brock Greenfield, Sen. Heinert, Sen. Kennedy, Sen. Langer, Sen. Novstrup, Sen. Youngberg, Sen. Klumb, and Sen. Ewing

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 12<sup>TH</sup>**

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 Nemecek, 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

Ed Havlik,self, Kimball  
 Glenn Pulse,self, Vermillion  
 Jeremiah M. Murphy, South Dakota Stock Growers Association  
 Paul Lepisto, South Dakota Division of the Izaak Walton League of America

**MOTION: AMEND SB 157**

157A

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 "conditiona"

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 the Introduced 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~~granting or denying 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