

Committee: Senate Commerce and Energy

Tuesday, February 25, 2020 10:00 AM

Roll Call

Present: Sen. Curd, Sen. Monroe, Sen. Novstrup, Sen. Steinhauer, Sen. Kennedy, Sen. Schoenbeck, and Sen. Stalzer

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 20<sup>TH</sup>**

Moved by: Curd  
Second by: Kennedy  
Action: Prevailed by voice vote

**SB 151 : define critical infrastructure and revise certain crimes for the trespass or damage to critical infrastructure.**

Presented by: Senator Jim Stalzer  
Proponents: Brett Koenecke, South Dakota Electric Utilities, Pierre  
Kevin Kouba, Otter Tail Power Company  
Chris Studer, East River Electric  
Greg Dean, South Dakota Telecommunications Associates  
William Van Camp, Pierre, AT &T  
Drew Duncan, Sioux Falls, Verizon  
Mark Winegar, Sierra Club

**MOTION: AMEND SB 151**

151B

- On page 3, line 14, of the Introduced bill, after "forbidden" insert ", or any pole or tower used for any of the purposes in this subdivision, whether enclosed or marked with a sign or not"
- On page 3, line 23, of the Introduced bill, after "gas" delete ". The term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility"
- On page 3, line 32, of the Introduced bill, delete "Natural resources exploration, mining, or production equipment, refined product storage, or distribution facility" and insert " Oil and gas locations, facilities, and equipment, including temporary drilling rigs, permanent oil and gas product facilities, and artificial lift equipment"
- On page 3, line 34, of the Introduced bill, delete " including a central operation office, cable head end, cable node, cellular telephone tower site, or a transmission facility for a federally licensed radio or television antenna system" and insert " infrastructure or equipment involved in the carriage of essential communications services for both wired and wireless communications, switching, routing, repeater/amplifier equipment or other electronic equipment, macro and micro wireless towers using federally licensed spectrum, video head end equipment, and satellite communications receiver or transmission equipment"
- On page 9, line 27, of the Introduced bill, after "supply;  
(c) Gas" insert " service"
- On page 9, line 28, of the Introduced bill, delete "Power" and insert "Electric service"
- On page 9, line 28, of the Introduced bill, after "Gas;  
(d) Power;" insert " or"

On page 9, line 29, of the Introduced bill, after "service;" delete " or"  
 On page 9, line 30, of the Introduced bill, after "or" delete "(f) Critical infrastructure facility; or  
 (3) Interferes with, inhibits, impedes, or prevents the construction, maintenance, or repair of  
       communications, public transportation, a utility service, or a critical infrastructure  
       facility;  
 "

On page 10, line 5, of the Introduced bill, after "felony." insert "Any person who by any means  
       interferes with, inhibits, impedes, or prevents the construction, operation,  
       maintenance, or repair of communications, public transportation, water supply, gas,  
       electric, or other utility service, or a critical infrastructure facility is guilty of a Class 1  
       misdemeanor.

Any person who by any means, knowingly, interferes with, inhibits, impedes, or prevents the  
       construction, operation, maintenance, or repair of communications, public  
       transportation, water supply, gas, electric, or other utility service, or a critical  
       infrastructure facility is guilty of a Class 6 felony.  
 "

On page 10, line 6, of the Introduced bill, after "the " insert "construction, "  
 On page 10, line 6, of the Introduced bill, delete " or" and insert a comma  
 On page 10, line 6, of the Introduced bill, after "maintenance" insert ", or repair"  
 On page 10, line 11, of the Introduced bill, after "22-34-28" insert ", or"  
 On page 10, line 11, of the Introduced bill, after "22-34-30" delete ", or 22-34-32"  
 On page 10, line 13, of the Introduced bill, after "23A-28C." delete "Section 6. That a NEW SECTION  
       be added:  
 "

On page 10, line 14, of the Introduced bill, after "added:" delete "Conspiracy--Fines."  
 On page 10, line 14, of the Introduced bill, after "added:  
 Conspiracy--Fines." delete "

If a person, whether natural or legal, is found to be a conspirator in the violation of § 22-34-28, 22-  
       34-30, or 22-35-5, the conspirator may be punished, in addition to other penalties, by  
       a fine up to ten times the amount of any fine otherwise authorized under § 22-3-8."

Moved by: Curd  
 Second by: Steinhauer  
 Action: Prevailed by voice vote

**MOTION: AMEND SB 151**

151C

On page 3, line 12, of the Introduced bill, delete "or" and insert "and "  
 Moved by: Stalzer  
 Second by: Monroe  
 Action: Prevailed by voice vote

**MOTION: DO PASS SB 151 AS AMENDED**

Moved by: Stalzer  
 Second by: Novstrup  
 Action: Prevailed by roll call vote (5-2-0-0)

Voting Yes: Monroe, Novstrup, Steinhauer, Schoenbeck, and Stalzer

Voting No: Curd and Kennedy

**HB 1109 : revise the Uniform Limited Liability Company Act.**

Presented by: Representative Timothy Johns

Proponents: Brett Koenecke, South Dakota Bankers Association, Pierre

**MOTION: DO PASS HB 1109**

Moved by: Kennedy  
Second by: Monroe  
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Curd, Monroe, Novstrup, Steinhauer, Kennedy, Schoenbeck, and Stalzer

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1109 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1131 : prohibit the use of misleading identification for telephonic communications.**

Presented by: Senator Jessica Castleberry  
Proponents: Erik Nelson, AARP SD  
Charlie McGuigan, SD Office of the Attorney General

**MOTION: DO PASS HB 1131**

Moved by: Schoenbeck  
Second by: Curd  
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Curd, Monroe, Novstrup, Steinhauer, Kennedy, Schoenbeck, and Stalzer

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1131 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 104 : limit entitlement to mechanics' liens.**

Presented by: Senator Gary Cammack  
Proponents: Jeremiah M. Murphy, South Dakota Stock Growers Association  
Opponents: Deb Mortenson, Associated General Contractors of South Dakota  
Brett Koenecke, South Dakota Electric Utilities, Pierre  
Others: Tim Doughrty, self, Sioux Falls

**MOTION: DO PASS SB 104 AS AMENDED**

Moved by: Kennedy  
Second by: Schoenbeck  
Action: Prevailed by roll call vote (4-3-0-0)

Voting Yes: Curd, Steinhauer, Kennedy, and Schoenbeck

Voting No: Monroe, Novstrup, and Stalzer

**MOTION:     **ADJOURN****

Moved by:     Steinhauer  
Second by:    Monroe  
Action:        Prevailed by voice vote

Mary Beth Fravel, Committee Secretary

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/s/ JIM STALZER  
Jim Stalzer, Chair