

Minutes: House Commerce and Energy

Wednesday, February 11, 2026 10:00 AM

Roll Call

Present: 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
Excused: Rep. Aylward

The meeting was called to order by Representative Lems

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 09TH

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

HB 1173 : require an environmental impact statement when certain applicants seek a permit from the Public Utilities Commission of the State of South Dakota.

Presented by: Representative John Hughes
Proponents: John Kunnari, Self
Others: Kristie Fiegen, SD Puc
Darren Kearney, Public Utilities Commission

MOTION: AMEND HB 1173

1173C

On the Introduced bill, delete the previously adopted amendment (1173A).
On page 1, line 1, after "require" delete " an environmental impact statement when"
On page 1, line 1, after "applicants" insert " that"
On page 1, line 2, after "Dakota" insert " to prepare and pay for an environmental impact statement"
On page 1, line 10, delete " designated revenue" and insert " regulatory assessment fee"
On page 1, line 12, after "application." delete " Expenditures from the revenue fund must be budgeted in the general appropriation bill."
On page 1, line 13, after "otherwise" delete " provided in this section or"
On page 2, line 1, after "incurred." delete "If the commission determines that an environmental impact statement should be prepared as provided under chapter 34A-9 is required before taking final action on an application under this chapter, the maximum fee chargeable above may be increased to an amount not to exceed one-half of one percent of the first one hundred million dollars of estimated construction cost plus one-twentieth of one percent of all additional estimated construction costs of the facility. However, the The provisions of this paragraph do not apply in cases in which if a detailed environment impact study has been completed pursuant to complying with the requirements of the National Environmental Policy Act of 1969 as amended to January 1, 2009, and implementing regulations thereto if such a statement is, 42 U. S. C. § 4321 (January 1, 2025), or an environmental impact statement complying with the requirements of chapter 34A-9, has been completed and made available to the commission at least thirty days prior to the time the commission is required to render a decision under § 49-41B-24 or 49-41B-25."
"

On page 2, line 17, delete "Prior to the issuance of a permit for a carbon dioxide transmission facility, as defined in § 49-41B-2, the commission shall prepare or require the preparation of an environmental impact statement that complies with the provisions of chapter 34A-9 and is made available to the public on the commission website.

In all other cases, the commission may prepare or require the preparation of an environmental impact statement that complies with the provisions of chapter 34A-9." and insert "

Except as otherwise provided in this section, an applicant seeking a permit under this chapter for a carbon dioxide transmission facility, as described in § 49-41B-2.1, shall prepare an environmental impact statement. In all other cases, the commission may require an applicant to prepare an environmental impact statement.

The environmental impact statement must:

- (1) Be paid for by the applicant;
- (2) Include the contents required in subdivisions 34A-9-7(1) to (7), inclusive;
- (3) Be submitted to the commission at least thirty days prior to the time the commission is required to render a decision pursuant § 49-41B-24 or 49-41B-25; and
- (4) Be published on the commission website.

The commission may not require an environmental impact statement if a detailed environmental impact study complying with the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 (January 1, 2026), has been completed and made available to the commission at least thirty days prior to the time the commission is required to render a decision under § 49-41B-24 or 49-41B-25."

On page 3, line 2, after "event," delete " prepare or"

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

MOTION: DO PASS HB 1173 AS AMENDED

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

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

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

Excused: Aylward

HB 1238 : protect financial institutions taking action to prevent the financial exploitation of consenting, senior, or vulnerable adults.

Presented by: Representative Mellissa Heermann
Proponents: Karlton Adam, South Dakota Bankers Association
Bret Afdahl, Department of Labor and Regulation
Erik Nelson, AARP South Dakota
Kenley Lamberty, Dakota Credit Union Association
Grace Gill, Alzheimer's Association

MOTION: DO PASS HB 1238

Moved by: Peterson (Drew)

Second by: Uhre-Balk

Action: Prevailed by Majority Members Elect (11-1-1-0)

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

Voting No: Mulally

Excused: Aylward

HB 1231 : clarify documentation requirements for assistance animals in rental dwelling units.

Presented by: Representative Matt Roby

MOTION: TO TABLE HB 1231

Moved by: Weisgram

Second by: Uhre-Balk

Action: Prevailed by Majority Members Elect (10-1-2-0)

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

Voting No: Mulally

Excused: Aylward and Nolz

HB 1198 : require that certain facilities obtain conditional use permits from adjacent political subdivisions.

Presented by: Representative John Sjaarda

Proponents: Manuel Luschas, self (Handout(s) 1)

Ron Peterson, Self

Erin Taggart, Self

Sara Steever, Self

Darcey Otter, Self

Susan Luschas, Self

Chris David, Self

Lonna Albertson, Self

Jane Assman, Self

Dennis Assman, Self

Pam Dreyer, Self

Sandra Assman, Self

John Kunnari, Self

Opponents: Samuel J. Nelson, South Dakota Municipal League

Samuel J. Nelson, Economic Development Professionals Association

Craig Matson, South Dakota Association of County Commissioners

Garth Wadsworth, Elevate Rapid City

Kyle Peters, Gemini Family Office

Mitch Rave, Greater Sioux Falls Chamber of Commerce

William M. Van Camp, South Dakota Retailers Association

MOTION: DO PASS HB 1198

Moved by: Nolz
Second by: Kayser
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1198 TO THE 41ST LEGISLATIVE DAY

Moved by: Peterson (Drew)
Second by: Duffy
Action: Failed by Majority Members Elect (6-7-0-0)

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

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

Revert to previous motion

MOTION: DO PASS HB 1198

Moved by: Nolz
Second by: Kayser
Action: Prevailed by Majority Members Elect (9-4-0-0)

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

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

MOTION: ADJOURN

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

Jean Denton, Committee Secretary

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