

Committee: Senate Commerce and Energy

Thursday, February 20, 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 TUESDAY, FEBRUARY 18<sup>TH</sup>**

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

**HB 1129 : authorize the provision of telecommunications device location information to law enforcement agencies.**

Presented by: Representative Rhonda Milstead (Handout(s) 1)  
Proponents: Ryker Tieszen, SD Sheriff's Association, Pierre, SD

**MOTION: DO PASS HB 1129**

Moved by: Schoenbeck  
Second by: Kennedy  
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 1129 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**TOM GRAHAM OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BUILDING AUTHORITY**

Presented by: Dustin Christopherson, South Dakota Building Authority

**MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF TOM GRAHAM OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BUILDING AUTHORITY**

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 THE REAPPOINTMENT OF TOM GRAHAM OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BUILDING AUTHORITY AS**

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

**SB 165 : require all wind energy facilities to include an aircraft detection lighting system.**

Presented by: Senator Wayne Steinhauer

Proponents: Dave Adams, self, Clark

Jeff Schleich, Terma

Opponents: Adam Sokloski, Avangrid Renewables LLC

Tyler Hamman, Basin Electric Power Cooperative

Brett Koenecke, Avangrid Renewables LLC

Deb Mortenson , South Dakota Wind Energy Association

**MOTION: AMEND SB 165**

165C

On page 1, line 2, of the Introduced bill, after "system" insert " or lighting mitigation system and to provide a penalty therefor"

On page 1, line 6, of the Introduced bill, after "system--" insert "Civil penalty--"

On page 1, line 9, of the Introduced bill, after "system " insert "or lighting mitigation system "

On page 1, line 13, of the Introduced bill, after "facility." insert "

The commission may grant an owner of a wind energy facility a temporary waiver from the requirements of this section if good cause is shown for a temporary delay in compliance. In the absence of such a temporary waiver being granted, the commission may impose a civil penalty against the owner of a wind energy facility for violation of this section. The amount of the civil penalty may not exceed fifteen thousand dollars per month of violation. Any civil penalty collected pursuant to this section shall be deposited into the state general fund."

Moved by: Steinhauer

Second by: Schoenbeck

Action: Prevailed by voice vote

**MOTION: DO PASS SB 165 AS AMENDED**

Moved by: Steinhauer

Action: Died for lack of a second

**MOTION: DEFER SB 165 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Novstrup

Second by: Schoenbeck

Action: Prevailed by roll call vote (6-1-0-0)

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

Voting No: Steinhauer

**HB 1063 : revise certain provisions regarding the purchase, distribution, and sale of tobacco products to persons under the age of twenty-one.**

Presented by: Representative Carl Perry

Proponents: Dawna Leitzke, South Dakota Petroleum and Propane Marketers Association

Bill Van Camp, SD Retailers Association  
Drew Duncan, JUUL Laboratories  
Deb Fischer-Clemens, Avera  
Dean Krogman, SD Medical Association  
Opponents: Christopher Prosch, American Heart Association

**MOTION: DO PASS HB 1063**

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

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

**HB 1041 : revise provisions authorizing state employees to opt-out of the state employee health plan and to declare an emergency.**

Presented by: Mallori Barnett, Bureau of Human Resources

**MOTION: DO PASS HB 1041**

Moved by: Schoenbeck  
Second by: Kennedy  
Action: Prevailed by roll call vote (6-0-1-0)

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

Excused: Novstrup

**MOTION: ADJOURN**

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

Mary Beth Fravel, Committee Secretary

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/s/ JIM STALZER  
Jim Stalzer, Chair