

Committee: House State Affairs

Monday, February 05, 2024 7:45 AM

Roll Call

Present: Rep. Bartels, Rep. Blare, Rep. Cammack, Rep. Chaffee, Rep. Chase, Rep. Drury, Rep. Hansen, Rep. Healy, Rep. Lesmeister, Rep. Reimer, Rep. Wangsness, Rep. Rehfeldt, and Rep. Mortenson

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Mortenson**

**MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 02<sup>ND</sup>**

Moved by: Chaffee  
Second by: Drury  
Action: Prevailed by voice vote

**HB 1181 : increase the number of years the discretionary formula may be applied to a structure, and to allow for the individual application of the discretionary formula for a structure.**

Presented by: Representative Roger Chase

Proponents: Michael Lee Bockorny, Economic Dev. Professionals Association, Aberdeen  
David Owen, South Dakota Chamber of Commerce & Industry, Pierre  
Mitch Rave, Greater Sioux Falls Chamber of Commerce, Sioux Falls  
Julie M. Johnson, Aberdeen Development Corporation, Aberdeen  
Senator Tim Reed

Opponents: Mike Houdyshell, Department of Revenue  
Jessica Filler, Associated School Boards of South Dakota, Pierre

**MOTION: AMEND HB 1181**

1181C

On page 2, line 8, of the Introduced bill, after "§ 11-8-4," insert " located within a designated urban renewal area as defined in § 11-8-4,"

On page 2, line 34, of the Introduced bill, after "of" delete " demolition,"

On page 3, line 24, of the Introduced bill, after "13-20.4." delete "Section 3. That a NEW SECTION be added to chapter 10-6:

"

On page 3, line 25, of the Introduced bill, after "10-6:" delete "The board of county commissioners may, by a two-thirds vote of the board of county commissioners, adopt the formula provided by § 10-6-137. 1, for any individual structure that meets the criteria of any class provided under subdivisions 10-6-137(1) to (6), inclusive, if:

- (1) The structure is in a blighted area, as defined by § 11-8-3; or
- (2) The structure is determined by the board of county commissioners to be abandoned or vacant for at least three years and the owner or purchaser provides evidence that the property will used for a purpose provided in subdivisions 10-6-137(1) to (6), inclusive; or
- (3) The ownership of the structure has changed during the period the structure has been assessed for taxation purposes under § 10-6-137. 1."

On page 3, line 29, of the Introduced bill, after "11-8-3;" insert " or"

On page 3, line 31, of the Introduced bill, after "years" insert " and the owner or purchaser provides evidence that the property will used for a purpose provided in subdivisions 10-6-137(1) to (6), inclusive"

Moved by: Chaffee  
 Second by: Drury  
 Action: Prevailed by voice vote

**MOTION: DO PASS HB 1181 AS AMENDED**

Moved by: Wangsness  
 Second by: Bartels  
 Action: Failed by Majority Members Elect (4-9-0-0)

Voting Yes: Bartels, Chaffee, Chase, and Wangsness

Voting No: Blare, Cammack, Drury, Hansen, Healy, Lesmeister, Reimer, Rehfeldt, and Mortenson

**MOTION: DEFER HB 1181 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Lesmeister  
 Second by: Hansen  
 Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Blare, Cammack, Drury, Hansen, Healy, Lesmeister, Reimer, Rehfeldt, and Mortenson

Voting No: Bartels, Chaffee, Chase, and Wangsness

**HB 1182 : revise provisions pertaining to the observation of the conduct of an election.**

Presented by: Representative Kirk Chaffee  
 Proponents: T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL  
 Kris Jacobsen, South Dakota Association of County Commissioners, Pierre  
 Opponents: Linda Montgomery, Self, Fairview

**MOTION: AMEND HB 1182**

1182B

On page 1, line 6, of the Introduced bill, after "mean:  
 (1)" delete ""Ballot question," any initiated measure, initiated constitutional amendment, or referred law submitted to voters at an election;"  
 On page 1, line 8, of the Introduced bill, after "election;" delete "(2) "  
 On page 1, line 8, of the Introduced bill, delete " a person or entity that raises, collects, or disburses contributions as a proponent or opponent for the placement on the ballot of one or more ballot questions or for the adoption or defeat of one or more ballot questions at an election" and insert " as defined by § 12-27-1"  
 On page 1, line 12, of the Introduced bill, delete "(3)" and insert "(2)"  
 On page 1, line 14, of the Introduced bill, delete "(4)" and insert "(3)"  
 On page 1, line 15, of the Introduced bill, delete "(5)" and insert "(4)"  
 On page 1, line 17, of the Introduced bill, delete "(6)" and insert "(5)"  
 On page 1, line 19, of the Introduced bill, delete "(7)" and insert "(6)"  
 On page 1, line 21, of the Introduced bill, delete "(8)" and insert "(7)"  
 On page 1, line 24, of the Introduced bill, delete "(9)" and insert "(8)"  
 On page 2, line 1, of the Introduced bill, delete "(10)" and insert "(9)"  
 On page 2, line 3, of the Introduced bill, delete "(11)" and insert "(10)"

On page 2, line 8, of the Introduced bill, delete "(12)" and insert "(11)"  
 On page 2, line 13, of the Introduced bill, delete "(13)" and insert "(12)"  
 On page 2, line 17, of the Introduced bill, delete "(14)" and insert "(13)"  
 On page 2, line 21, of the Introduced bill, delete "(15)" and insert "(14)"  
 On page 2, line 23, of the Introduced bill, delete "(16)" and insert "(15)"  
 On page 2, line 24, of the Introduced bill, delete "(17)" and insert "(16)"  
 On page 2, line 26, of the Introduced bill, delete "(18)" and insert "(17)"  
 On page 2, line 28, of the Introduced bill, delete "(19)" and insert "(18)"  
 On page 2, line 29, of the Introduced bill, delete "(20)" and insert "(19)"  
 On page 2, line 30, of the Introduced bill, delete "(21)" and insert "(20)"  
 On page 2, line 31, of the Introduced bill, delete "(22)" and insert "(21)"  
 On page 2, line 33, of the Introduced bill, delete "(23)" and insert "(22)"  
 On page 3, line 1, of the Introduced bill, delete "(24)" and insert "(23)"  
 On page 3, line 3, of the Introduced bill, delete "(25)" and insert "(24)"  
 On page 3, line 8, of the Introduced bill, delete "(26)" and insert "(25)"  
 On page 3, line 11, of the Introduced bill, delete "(27)" and insert "(26)"  
 On page 3, line 23, of the Introduced bill, delete "At a primary, general, or special election, any" and insert "Any"  
 On page 3, line 27, of the Introduced bill, delete "A poll watcher present at a polling place shall remain in a designated observation area at all times while acting as a poll watcher. The observation area must be less than six feet away from, but may not be closer than three feet to, the table at which voters announce their name and address to be issued a ballot. The observation area must also permit any poll watcher to see and hear all public aspects of the voting process" and insert " Each polling place must be arranged in a manner that permits each poll watcher to be positioned in a location where the poll watcher can plainly see and hear what is done within the polling place. Members of the public may observe the voting and counting process at any polling location in a manner that does not interfere with the duties of the poll workers or poll watchers"

Moved by: Rehfeldt  
 Second by: Drury  
 Action: Prevailed by voice vote

**MOTION: DO PASS HB 1182 AS AMENDED**

Moved by: Lesmeister  
 Second by: Reimer  
 Action: Prevailed by Majority Members Elect (12-1-0-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Hansen

**HB 1198 : revise the process for nominating candidates for the offices of lieutenant governor, attorney general, and secretary of state.**

Presented by: Representative Tyler Tordsen  
 Proponents: Larry Eliason, Self, Gettysburg  
 Dan Nelson, Self, Brookings  
 Mark Barnett, self, Pierre  
 Steve Siegel, South Dakota Trial Lawyers Association, Pierre  
 Opponents: Senator John Wiik  
 Heidi Engelhart, Self, Aberdeen  
 Stu Curk, self, Springfield  
 Shawn Tornow, self, Sioux Falls  
 Brock Greenfield, Self, Pierre

**MOTION: DO PASS HB 1198**

Moved by: Chase  
 Second by: Wangsness  
 Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: AMEND HB 1198**

1198E

On page 1, line 1, of the Introduced bill, delete " candidates for the offices of " and insert " the "  
 On page 1, line 2, of the Introduced bill, after "governor" delete ", attorney general, and secretary of state"

On page 2, line 3, of the Introduced bill, after "governor." delete "Section 3. That § 12-5-17 be AMENDED:  
 "

On page 2, line 4, of the Introduced bill, after "AMENDED:" delete "12-5-17. "

On page 2, line 4, of the Introduced bill, after "12-5-17. " delete "Each political party shall hold a state convention in each even-numbered year for the purposes stated in § 12-5-21. The state central committee of each political party shall determine the time and place of the convention. The chair of the committee shall notify the secretary of state of the date and place of the convention at least fifteen business days prior to thirty days before the date chosen."

On page 2, line 9, of the Introduced bill, after "chosen." delete "Section 4. That § 12-5-21 be AMENDED:  
 "

On page 2, line 10, of the Introduced bill, after "AMENDED:" delete "12-5-21. "

On page 2, line 10, of the Introduced bill, after "12-5-21. " delete "TheIn the years the Governor is to be elected, a political party's state convention shall nominate candidates for lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, and public utilities commissioner and in. In the years when a President of the United States is to be elected, the convention shall nominate presidential electors and, national committeeman and national committeewoman of the party, and public utilities commissioner."

On page 2, line 16, of the Introduced bill, after "commissioner." delete "Section 5. That § 12-5-25 be AMENDED:  
 "

On page 2, line 17, of the Introduced bill, after "AMENDED:" delete "12-5-25. "

On page 2, line 17, of the Introduced bill, after "12-5-25. " delete "A political party with alternative political status may nominate a candidate for United States Senate, United States House of Representatives, Governor, attorney general, secretary of state, and any legislative seat by convention, if the nomination is submitted with the proper documentation to the Office of the Secretary of State no later than 5:00 p. m. central time on the second Tuesday in August, of the year of the election.

A candidate registered with a political party with an alternative political status may choose, if allowed by the party bylaws, to participate in a primary election by submitting a candidate petition no later than the last Tuesday of March in accordance with § 12-5-1. 4."

On page 2, line 27, of the Introduced bill, after "5-1.4." delete "Section 6. That § 12-5-26 be AMENDED:  
 "

On page 2, line 28, of the Introduced bill, after "AMENDED:" delete "12-5-26. "

On page 2, line 28, of the Introduced bill, after "12-5-26. " delete "A new political party may nominate a candidate for United States Senate, United States House of Representatives, Governor, attorney general, secretary of state, and any legislative seat by convention, if the nomination is submitted with the proper documentation to the Office of the Secretary of State no later than 5:00 five p. m. central time on the second Tuesday in August, of the year of the election."

On page 3, line 3, of the Introduced bill, after "election." delete "Section 7. That § 12-6-7 be AMENDED:

"

On page 3, line 4, of the Introduced bill, after "AMENDED:" delete "12-6-7. "

On page 3, line 4, of the Introduced bill, after "12-6-7. " delete "A nominating petition may be composed of several sheets, each. Each sheet shall must have identical headings printed at the top and shall must be a self-contained sheet of paper. The petition for a candidate for the Legislature shall designate must specify the senatorial or representative district number and house for which the person is a candidate.

The petition for party office or political public office for a state a political party's gubernatorial or federal candidate shall must be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election in the state. The petition of a party's candidate for attorney general, or secretary of state must be signed by not less than one-quarter of one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election or two hundred fifty qualified voters, whichever is greater. A petition for the Legislature, county party office, or county political public office shall must be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

If the party meets the requirement for alternative political status as defined in § 12-1-3. 1, the petition for party office or political public office for a state or federal candidate shall must be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the state. A petition for the Legislature, county party office, or county political public office shall must be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

If a county uses vote centers and does not print ballots by precinct, signature requirements are:

- (1) For both partisan and independent candidates, fifty signatures for a legislative candidate whose district either in whole or in part includes that county;
- (2) For a county candidate:
  - (a) Partisan candidate petitions shall must be signed by the lesser of fifty signatures or signatures from one percent of the voters who voted for that party's gubernatorial candidate, or the party's statewide candidate receiving the highest votes if the party meets the requirement for alternative party status as defined in § 12-1-3. 1, at the last gubernatorial election in the county electing a candidate to fill the office; or
  - (b) Independent candidate petitions shall must be signed by not less than one percent of the total combined vote for Governor at the last certified election within the county electing a candidate to fill the office;
- (3) Half the number of signatures required under subdivision (2), for county commissioner district candidates;
- (4) Five signatures for a new party legislative candidate whose district either in whole or in part includes that county;
- (5) Five signatures for a new party county candidate; or
- (6) Three signatures for a new party county commissioner district candidate."

On page 4, line 16, of the Introduced bill, after "candidate." delete "Section 8. That § 12-7-1 be AMENDED:

"

On page 4, line 17, of the Introduced bill, after "AMENDED:" delete "12-7-1. "

On page 4, line 17, of the Introduced bill, after "12-7-1. " delete "Any candidate for nonjudicial public office, except the office of lieutenant governor and as provided in § 12-7-7, who is not nominated by a primary election, may be nominated by filing a certificate of nomination with the secretary of state or county auditor as prescribed by in the manner of filing nominating petitions as described in § 12-6-4, after December thirty-first and by but no later than five p. m. local time on the last Tuesday of in April at 5:00 p. m. local time before the election. A certificate of nomination shall must be executed as provided in chapter 12-6. If A certificate of nomination is timely submitted

if the certificate of nomination is mailed by registered mail by no later than five p. m. local time on the last Tuesday of in April at 5:00 p. m. local time before the election, it is timely submitted. The certificate of nomination shall must be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination."

On page 4, line 32, of the Introduced bill, after "nomination." delete "Section 9. That § 12-7-1. 2 be AMENDED:

"

On page 5, line 1, of the Introduced bill, after "AMENDED:" delete "12-7-1. 2. "

On page 5, line 1, of the Introduced bill, after "12-7-1.2. " delete "An independent candidate for Governor shall certify the candidate's selection select a candidate for lieutenant governor and shall certify the selection to the secretary of state with the candidate's nominating petition no later than 5:00 p. m. central time on the second Tuesday in August of the year of the election. The candidate for Governor and the candidate's selection nominee for lieutenant governor shall sign the certification before the nominating petitions are circulated. If an

An independent candidate for lieutenant governor withdraws, no may withdraw by filing a request under oath with the secretary of state. If an independent candidate for lieutenant governor withdraws, the independent candidate for Governor may have the candidate's name printed upon a ballot unless a must select a replacement and must certify the selection for lieutenant governor is certified to the secretary of state by the no later than 5:00 p. m. central time on the second Tuesday in August of the year of the election. The candidate for Governor and the candidate's replacement selection for lieutenant governor shall sign the certification. The secretary of state may not place the name of the candidate for Governor on the general election ballot until a replacement candidate has been certified.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms form for the certification for lieutenant governor."

On page 5, line 19, of the Introduced bill, after "governor." delete "Section 10. That a NEW SECTION be added to chapter 12-7:

"

On page 5, line 20, of the Introduced bill, after "12-7:" delete "An independent candidate for lieutenant governor may withdraw the nomination by filing a request under oath with the secretary of state. The certified request must be submitted to the secretary of state no later than five p. m. central time on the first Tuesday in August in the year of the election.

If an independent candidate for lieutenant governor withdraws, is deceased, or is disqualified to serve as a statewide officer, the independent candidate for Governor must nominate a replacement and certify the nomination to the secretary of state no later than five p. m. central time on the second Tuesday in August in the year of the election. The independent candidate for Governor and the candidate's nominee for lieutenant governor shall sign the certification.

The secretary of state may not place the name of the candidate for Governor on the general election ballot until a candidate for lieutenant governor has been certified.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the form for the withdrawal of a candidate for lieutenant governor."

On page 6, line 1, of the Introduced bill, after "governor." delete "Section 11. That § 12-25-28 be AMENDED:

"

On page 6, line 2, of the Introduced bill, after "AMENDED:" delete "12-25-28. "

On page 6, line 2, of the Introduced bill, after "12-25-28. " delete "Any candidate for the United States Senate, the United States House of Representatives, Governor, attorney general, secretary of state, circuit court judge, or the Legislature shall file a statement of financial interest with the secretary of state not more than fifteen days after filing the candidate's nominating petitions. Any Supreme Court justice shall file a statement of financial interest with the secretary of state not more than fifteen days following notice

to the secretary of state of the justice's intention to place the justice's name on the retention ballot. A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor. "

On page 6, line 10, of the Introduced bill, after "misdemeanor." delete "Section 12. That § 12-25-29 be AMENDED:

"

On page 6, line 11, of the Introduced bill, after "AMENDED:" delete "12-25-29. "

On page 6, line 11, of the Introduced bill, after "12-25-29. " delete "Any candidate for lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, public utilities commissioner, or commissioner of school and public lands shall file a statement of financial interest with the secretary of state not more than fifteen days after the candidate's nomination is certified. A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor."

Moved by: Hansen  
Second by: Reimer  
Action: Failed by voice vote

### **Revert to previous motion**

#### **MOTION: DO PASS HB 1198**

Moved by: Chase  
Second by: Wangsness  
Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Bartels, Blare, Cammack, Chase, Drury, Healy, Lesmeister, Wangsness, Rehfeldt, and Mortenson

Voting No: Chaffee, Hansen, and Reimer

#### **HB 1206 : set aside certain contractor's excise tax collections relating to the Ellsworth Air Force Base for the Douglas School District, to provide an appropriation therefor, and to declare an emergency.**

Presented by: Representative Curt Massie (Handout(s) #1)  
Proponents: Representative Mike Derby (Handout(s) #2,3)  
Kevin Case, self, Rapid City (Handout(s) #4)  
Opponents: Doug Schinkel, Department of Revenue

#### **MOTION: AMEND HB 1206**

1206A

On page 1, line 1, of the Introduced bill, after "to " insert "make an appropriation for a grant to the Douglas school district for the construction costs of a new school"

On the Introduced bill, delete everything after the enacting clause and insert:

"

**Section 1.** There is hereby appropriated from the general fund the sum of \$1 to the Department of Education, for purposes of providing a grant to the Douglas school district for the design, engineering, construction, or any other costs related to the construction of a new school.

**Section 2.** The secretary of the Department of Education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

**Section 4.** This Act is effective June 30, 2024."

Moved by: Drury  
Second by: Rehfeldt  
Action: Prevailed by voice vote

**MOTION: REFER HB 1206 TO JOINT COMMITTEE ON APPROPRIATIONS DO PASS AS AMENDED**

Moved by: Drury  
Second by: Chaffee  
Action: Prevailed by Majority Members Elect (10-3-0-0)

Voting Yes: Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, and Rehfeldt

Voting No: Bartels, Hansen, and Mortenson

**THE CHAIR DEFERRED HB 1216 UNTIL 15 MINUTES AFTER HOUSE ADJOURNS 2-5-24**

**MOTION: ADJOURN**

Moved by: Chase  
Second by: Chaffee  
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

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/s/ WILL MORTENSON  
Will Mortenson, Chair