

Committee: House State Affairs

Wednesday, February 26, 2020 6:30 AM

Roll Call

Present: Rep. Anderson, Rep. Dennert, Rep. Diedrich, Rep. Goodwin, Rep. Gosch, Rep. Hansen, Rep. Haugaard, Rep. Kevin Jensen, Rep. McCleerey, Rep. Kent Peterson, Rep. Jamie Smith, Rep. Beal, and Rep. Qualm

OTHERS PRESENT: See Original Minutes

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

**MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 24<sup>TH</sup>**

Moved by: Gosch  
Second by: Diedrich  
Action: Prevailed by voice vote

**HB 1229 : accommodate legislation related to electric service in a newly annexed area.**

Presented by: Representative Thomas Brunner

**MOTION: TO TABLE HB 1229**

Moved by: Beal  
Second by: Kevin Jensen  
Action: Prevailed by roll call vote (11-1-1-0)

Voting Yes: Anderson, Diedrich, Goodwin, Hansen, Haugaard, Kevin Jensen, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

Voting No: Gosch

Excused: Dennert

**HB 1225 : restrict the use of funds for abortion.**

Presented by: Representative Julie Frye-Mueller  
Proponents: Christopher Sevier, self, Alabama  
Mary Thom, self, Bismarck, North Dakota (Handout(s) 1,2)  
Opponents: Dale Bartscher, SD Right to Life (Handout(s) 3)  
Dianna Miller, SD Network Against Family Violence

**MOTION: TO TABLE HB 1225**

Moved by: Hansen  
Second by: Beal  
Action: Prevailed by roll call vote (10-3-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Hansen, Kevin Jensen, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

Voting No: Goodwin, Gosch, and Haugaard

**HB 1222 : accommodate legislation enhancing basic government services.**

Presented by: Representative Arch Beal

**MOTION: TO TABLE HB 1222**

Moved by: Beal  
Second by: Kent Peterson  
Action: Prevailed by roll call vote (13-0-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Goodwin, Gosch, Hansen, Haugaard, Kevin Jensen, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

**HB 1202 : revise provisions regarding certain sales and use tax rates.**

Presented by: Representative Caleb Finck

**MOTION: TO TABLE HB 1202**

Moved by: Beal  
Second by: Kevin Jensen  
Action: Prevailed by roll call vote (12-1-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Goodwin, Hansen, Haugaard, Kevin Jensen, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

Voting No: Gosch

**HB 1221 : accommodate legislation enhancing health care.**

Presented by: Representative Arch Beal

**MOTION: TO TABLE HB 1221**

Moved by: Beal  
Second by: Kevin Jensen  
Action: Prevailed by roll call vote (12-1-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Goodwin, Hansen, Haugaard, Kevin Jensen, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

Voting No: Gosch

**HB 1220 : accommodate legislation enhancing education.**

Presented by: Representative Arch Beal

**MOTION: TO TABLE HB 1220**

Moved by: Beal  
Second by: Kevin Jensen  
Action: Prevailed by roll call vote (12-1-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Goodwin, Hansen, Haugaard, Kevin Jensen, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

Voting No: Gosch

**HB 1193 : accommodate legislation enhancing health and human services.**

Presented by: Representative Steven Haugaard

**MOTION: TO TABLE HB 1193**

Moved by: Haugaard  
 Second by: Beal  
 Action: Prevailed by roll call vote (11-2-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Goodwin, Hansen, Haugaard, McCleerey, Kent Peterson, Jamie Smith, Beal, and Qualm

Voting No: Gosch and Kevin Jensen

**MOTION: AMEND HB 1249**

1249C

On page 1, line 7, of the Introduced bill, after "fund. " delete "The fund consists of all moneys deposited into the fund in accordance with § 42-7A-63, together with any interest or other earnings of the fund. "

On page 1, line 10, of the Introduced bill, after "repealed" insert ". Up to one million dollars from the video lottery repeal and recovery fund may be transferred to the general fund, if projected lottery revenues for the fiscal year fail to meet the adopted target, as determined by the Joint Committee on Appropriations"

Moved by: Haugaard  
 Second by: Hansen  
 Action: Prevailed by voice vote

**HB 1249 : revise certain provisions regarding the operation of the South Dakota Lottery.**

Presented by: Representative John Mills (Handout(s) 4)  
 Opponents: Mark Quasney, Bureau of Finance and Management  
 Matt Krogman, SD License Beverage Dealers and Gaming Association  
 Bob Riter, Music and Vending Association of SD  
 Bill Van Camp, SD Retailers Association  
 Dick Tieszen, Associated School Boards of SD  
 Others: Norm Lingle, Executive Director of SD Video Lottery

**MOTION: AMEND HB 1249**

1249D

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added:  
 "

On page 1, line 5, of the Introduced bill, after "added:" delete "Video lottery repeal and recovery fund--Establishment--Purposes."

On page 1, line 5, of the Introduced bill, after "fund--Establishment--Purposes." delete "  
 There is established in the state treasury the video lottery repeal and recovery fund. The fund consists of all moneys deposited into the fund in accordance with § 42-7A-63, together with any interest or other earnings of the fund. The purpose of the fund is to replace lost revenue for the general fund following the repeal of video lottery. Moneys in the fund may not be expended unless video lottery is repealed."

On page 2, line 10, of the Introduced bill, delete "video lottery repeal and recovery fund established under § 42-7A-66" and insert " South Dakota-bred racing fund established under § 42-7-71"

On page 2, line 24, of the Introduced bill, delete "video lottery repeal and recovery " and insert "South Dakota-bred racing "

Moved by: Gosch  
 Second by: Dennert

Action: Failed by voice vote

**MOTION: DEFER HB 1249 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Beal

Second by: Gosch

Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: AMEND HB 1249**

1249E

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added:

"

On page 1, line 5, of the Introduced bill, after "added:" delete "Video lottery repeal and recovery fund--Establishment--Purposes."

On page 1, line 5, of the Introduced bill, after "fund--Establishment--Purposes." delete "

There is established in the state treasury the video lottery repeal and recovery fund. The fund consists of all moneys deposited into the fund in accordance with § 42-7A-63, together with any interest or other earnings of the fund. The purpose of the fund is to replace lost revenue for the general fund following the repeal of video lottery. Moneys in the fund may not be expended unless video lottery is repealed."

On page 1, line 24, of the Introduced bill, after "means." delete "Section 3. That § 42-7A-22 be AMENDED:

"

On page 2, line 1, of the Introduced bill, after "AMENDED:" delete "42-7A-22. "

On page 2, line 1, of the Introduced bill, after "42-7A-22. " delete "Lottery operating fund--Continuous appropriation--Informational budget--Disbursements. "

On page 2, line 2, of the Introduced bill, after "budget--Disbursements. " delete "

There is established within the state treasury the lottery operating fund, into which shall be deposited all revenues from the sale of lottery tickets, interest received on moneys in the lottery operating fund, and all other fees and moneys collected. For the purposes of this section, the award of a free ticket or free play does not constitute revenue. All money in the funds created by this section are continuously appropriated for the purposes specified in this section. All funds received by the state lottery shall be set forth in an informational budget as described in § 4-7-7. 2 and be annually reviewed by the Legislature. Each year one million dollars shall be transferred to the video lottery repeal and recovery fund established under § 42-7A-66. Any disbursement from the lottery operating fund shall be by authorization of the executive director for any of the following purposes:

- (1) The payment of prizes to the holders of valid, winning lottery tickets;
- (2) Expenses of the lottery, which shall include all costs incurred in the operation and administration of the South Dakota Lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications, compensation paid to lottery retailers; distribution of tickets; and reimbursement of costs of facilities and services provided by other state agencies; and
- (3) Transfers of net proceeds to the state general fund; and
- (4) Transfers to the video lottery repeal and recovery fund."

Moved by: Haugaard

Second by: Hansen

Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Dennert, Goodwin, Hansen, Haugaard, Kevin Jensen, Jamie Smith, and Qualm

Voting No: Anderson, Diedrich, Gosch, McCleerey, Kent Peterson, and Beal

**MOTION: DO PASS HB 1249 AS AMENDED**

Moved by: Hansen  
 Second by: Haugaard  
 Action: Failed by roll call vote (6-7-0-0)

Voting Yes: Goodwin, Hansen, Haugaard, Kevin Jensen, Jamie Smith, and Qualm

Voting No: Anderson, Dennert, Diedrich, Gosch, McCleerey, Kent Peterson, and Beal

**MOTION: DEFER HB 1249 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Beal  
 Second by: Anderson  
 Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Anderson, Dennert, Diedrich, Gosch, McCleerey, Kent Peterson, and Beal

Voting No: Goodwin, Hansen, Haugaard, Kevin Jensen, Jamie Smith, and Qualm

**MOTION: AMEND HB 1245**

1245A

On page 1, line 16, of the Introduced bill, after "of " insert "those incarcerated in the state penitentiary system for "

On page 1, line 17, of the Introduced bill, delete " Unified Judicial System" and insert " Department of Corrections"

On page 1, after line 20, of the Introduced bill, insert "

**Section 2.** This Act is effective on January 1, 2021.

"

Moved by: Kent Peterson  
 Second by: Jamie Smith  
 Action: Prevailed by voice vote

**HB 1245 : revise certain provisions regarding the voting rights of felony offenders.**

Presented by: Representative Kelly Sullivan  
 Proponents: Ramona Herington, self, Rapid City  
 Sr. Kathleen Bierm, Presentation Sisters  
 Amy Scott-Stollz, League of Women Voters SD  
 Dan Nelson, American Civil Liberties Union  
 Telly Mickal, self, Sioux Falls  
 Mark Winegar, self, Vermillion

**MOTION: AMEND HB 1245**

1245B

On page 1, line 17, of the Introduced bill, after "sentence" insert "

(1) "

On page 1, line 18, of the Introduced bill, delete "currently " and insert "Currently "

On page 1, line 18, of the Introduced bill, after "incarcerated" insert the semicolon

On page 1, line 18, of the Introduced bill, after "incarcerated " insert "

(2) On probation supervision; or

(3) On parole supervision;

"

On page 1, after line 20, of the Introduced bill, insert "

**Section 2.** This Act is effective on January 1, 2021.

"

Moved by: Jamie Smith  
Second by: McCleerey  
Action: Prevailed by voice vote

**MOTION: DEFER HB 1245 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Gosch  
Second by: Haugaard  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DO PASS HB 1245 AS AMENDED**

Moved by: McCleerey  
Second by: Jamie Smith  
Action: Prevailed by roll call vote (7-6-0-0)

Voting Yes: Dennert, Diedrich, Goodwin, Hansen, McCleerey, Jamie Smith, and Qualm

Voting No: Anderson, Gosch, Haugaard, Kevin Jensen, Kent Peterson, and Beal

**MOTION: ADJOURN**

Moved by: Beal  
Second by: Kevin Jensen  
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

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/s/ LEE QUALM  
Lee Qualm, Chair