

Chamber Brings Bill to Strengthen Ballot Committees

Allows them to continue between elections & support/oppose multiple ballot measures.

SB 128 – Haverly (R-Rapid City) - revise certain provisions regarding ballot question committees.

Ballot measures can hurt business in South Dakota. As a leading advocate for business the South Chamber of Commerce and Industry has played a leadership role in each of the past seven elections. This record is in addition to regular involvement in ballot measures going back decades.

Under current law ballot question committees are formed to support/oppose a specific ballot measure and must file a termination report if they: 1) fail to gather enough signatures to place their measure on the ballot; or 2) when all campaign year-end report is due are due at the end of January the year after the election was held.

The provisions of SB 128 will allow ballot question committees to stay organized until the next election, thereby letting groups that are active in ballot measures each election cycle to have a mechanism that can be used for fundraising and organizing and preparing. The funds raised would be reported on the same schedule as Political Action Committees (PACs), political parties and candidate committees.

SB 128 will allow ballot question committees to function in the same manner as a political action committee (PAC).

Why not just use a PAC for ballot measures? PACs are limited in the contributions they can receive from “entities” to \$10,000; and ballot question campaigns often require funding in the hundreds of thousands or even a million dollars or more. SB 128 keeps those funds in the public eye with regular reporting requirements.

The key is allowing groups to work maintain a level of preparedness for whatever ballot measure affects their members. The Chamber understands that the use of ballot measures has increased in recent years and while not knowing what the next election may bring – money can be raised well in advance to respond to fight bad proposals or support good ones.

More Ballot Measures???

Potential Constitutional Amendments – Headed for the Ballot This Fall?

On November 6th of last year, eight groups submitted signatures to place measures on the ballot for this November. Two of those measures have been qualified for the ballot and six others are having their signatures verified.

The two that have qualified are Amendment W – the redo of IM-22 and IM-24 a ban on out-of-state contributions to ballot question committees. The six measures that are in the process of having the Secretary of State review their signatures address topics of:

- Increasing tobacco tax to lower tuition at technical institutes
- Have an independent commission do legislative redistricting
- Have open primaries, with all voters participating
- Allow some elections to be conducted via vote-by-mail
- Put a cap on prescription drugs prices state agencies can pay
- Legalize medical marijuana

On top of the ballot measures above the legislature is considering 15 additional constitutional amendments that might also be placed on the ballot. It takes a majority vote of both the Senate and the House of Representatives for these measures to be put on the November ballot. If any of the proposals below get that majority votes they are placed on the ballot and cannot be vetoed by the Governor.

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| HJR 1001 | Proposing and submitting to the voters an amendment to the Constitution of the State of South Dakota, regarding the Legislature's authority to set legislator salaries for a regular legislative session. Sets pay at 1/5 th average household income. Passed House 38 - 26 |
| HJR 1002 | Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, regarding filling legislative vacancies. Allows legislature to fill vacancies rather than the Governor – awaiting hearing. |
| HJR 1004 | Proposing and submitting to the electors at the next general election a Constitutional amendment to repeal provisions relating to the rights of crime victims. Repeal Marsy's law. Awaiting hearing |
| HJR 1005 | Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, relating to fishing, hunting, and trapping. Affirms the right to hunt. Awaiting a hearing |
| HJR 1006 | Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, relating to amendments to the Constitution. Amendments limited to one subject. Awaiting a hearing |
| HJR 1007 | Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, relating to amendments to the Constitution. No longer allow constitutional amendment by initiative and referendum. Awaiting a hearing |
| HJR 1008 | Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, relating to amendments to the Constitution. Amendments will require a majority vote by the electors and approval by the legislature. Awaiting a hearing |
| HJR 1009 | Proposing and submitting to the voters at the next general election an amendment to Article III of the Constitution of the State of South Dakota, providing for state legislative redistricting by an independent commission. Requires constitutional amendment by initiative and referendum. Redistricting by independent commission, similar to initiative submitted. Awaiting a hearing |
| HJR 1010 | Proposing and submitting to voters an amendment to the Constitution of the State of South Dakota, revising legislative terms of office. Changes legislative terms to 4 years, term limits reduced to two terms. Awaiting a hearing |

| Bill | Title |
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| SJR 1 | Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, relating to amendments to the Constitution. Requires constitutional amendments passed by the legislature and approved by the voters. Requires 55% of the votes. Passed the Senate 26 – 9. Awaiting a hearing in the House of Representatives |
| SJR 2 | Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, relating to the militia of the state. Allows all citizens to join the state militia (currently restricted to those who are members of the National Guard). Passed the Senate 29 – 3. Awaiting a hearing in the House of Representatives |
| SJR 4 | Proposing and submitting to the voters at the next general election a new section to Article XII of the Constitution of the State of South Dakota, relating to the creation and administration of a trust fund with the net receipts from certain unclaimed property. Proceeds from sale of unclaimed property will be put into trust and used in part for property tax reduction. Awaiting a hearing. |
| SJR 5 | Proposing and submitting to the voters an amendment to the Constitution of the State of South Dakota |

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| | regarding the maximum annual change in general fund appropriations. Limits growth of general fund to several including population growth, inflation, personal income growth, growth in GDP. Awaiting a hearing |
| <u>SJR 6</u> | to provide for the appointment process for the secretary of the Department of Tribal Relations. Require the head of the Department of Tribal Relations be appointed from a list submitted by the federally recognized Indian tribes. Awaiting a hearing |
| <u>SJR 9</u> | Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, relating to the authorization of certain games of chance in the City of Yankton. Create a gaming license for a Nonprofit in Yankton that allow roulette, keno, craps, limited card games and slot machines. Awaiting a hearing |

Defeated - SB 87 - revise certain provisions regarding the lawful possession of firearms in certain location. *Dead but not gone – see update below.*

This bill was featured in last Friday's edition of Capitol-ism with an update on Tuesday when it was approved by the Senate Judiciary Committee on a vote of 4 to 2. The bill mandated that businesses and public entities that posted areas as "firearm free" or had signs saying firearms were not permitted in the buildings would need to have metal detectors or trained personnel at each entrance to assure the area is indeed free of firearms.

SB 87 was debated on the Senate Floor on Wednesday when Senator Monroe proposed an amendment that removed private businesses from the mandate to screen entrances to any building that is marked as a "firearm free area". The Chamber would like to thank Senator Monroe for listening to the business community and working to avoid this mandate.

In spite of the amendment the bill failed to pass the Senate – the vote was 16 Yea and 19 Nay and is recorded below:

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| Bolin | Nay | Cammack | Nay | Cronin Nay |
| Curd | Yea | Ewing | Yea | Frerichs Nay |
| Greenfield (Brock) | Yea | Haverly | Nay | Heinert Nay |
| Jensen (Phil) | Yea | Kennedy | Nay | Killer Nay |
| Klumb | Yea | Kolbeck | Yea | Langer Yea |
| Maher | Yea | Monroe | Yea | Nelson Yea |
| Nesiba | Nay | Netherton | Yea | Novstrup Nay |
| Otten (Ernie) | Yea | Partridge | Nay | Peters Nay |
| Rusch | Nay | Russell | Yea | Soholt Nay |
| Solano | Nay | Stalzer | Yea | Sutton Nay |
| Tapio | Yea | Tidemann | Nay | White Nay |
| Wiik | Yea | Youngberg | Nay | |

UPDATE – This bill has a twin in the House of Representatives.

Rep. Gosch (R-Glenham) has introduce HB 1299 which has nearly the identical language as SB 87. No hearing date has been set. Seeing this idea twice raises a question – if your first dog "don't hunt"; will its brother do better? The Chamber hopes not.