

South Dakota Rep. Lee Qualm

Fourth-generation farmer has taken on new challenges helping lead Legislature, resolve longtime water dispute in his home state

by Laura Tomaka (ltomaka@csg.org)

Go back eight years, and about the last place Lee Qualm could envision himself being was in the South Dakota Legislature — let alone one of its top leaders.

He had, after all, lost a 2010 primary election, a race that he joined only after some encouragement and persuading from his local, term-limited representative (who also happened to be the speaker of the House at the time).

After that loss, Qualm figured that he never would have another shot at elective office.

But only two years later, thanks to redistricting and a new legislative map, another opportunity arose.

He won that race and began serving one of South Dakota's largest legislative districts, a rural part of the state that includes four counties and stretches about 200 miles from one end to the other.

Agriculture is critically important to the area, as well as to Qualm and his family. He is a fourth-generation farmer, and initially got engaged in state politics through a local association of corn growers that he helped found.

As a state representative, though, he has involved himself in many more issues, including legislative efforts to resolve a decades-long dispute between landowners and the general public over access to the state's "nonmeandered waters" (bodies of water in the state that first sprang up in the 1990s after tremendous rainfall and snowfall).

Qualm's leadership on that issue led to passage of compromise legislation during a special session in 2017, the same year he was elected majority leader by his House Republican colleagues.

In a recent interview with CSG Midwest, Qualm discussed his leadership style, South Dakota's recently completed legislative session, and some of the most important challenges facing his home state. Here are excerpts:

Q: How would you describe your approach to leadership in the Legislature?

A: It is probably a more easy-going style of leadership than some people. I certainly don't try to rule with an iron hand. I know there's some [previous leaders] who kind of ruled that way. I like to try and be a little more easygoing and talk to people. My door is always open. There are always people in my office talking about different issues, asking, Am I doing this right or should I do something different?

Q: What is your biggest challenge as a legislative leader?

A: Probably the biggest challenge is when you have 70 members in the House, and 60 of them are Republicans. You have 60 different personalities. You have 60 different opinions. You have a lot of people with a lot of knowledge on a whole lot of different issues. Trying to get all of them to come together sometimes, to work toward a common goal, can be interesting.

Bio-sketch of Rep. Lee Qualm

- ✓ majority leader in South Dakota House since 2017; first elected in 2012
- ✓ runs 3,500-acre farm operation with his son, growing cash grain that includes corn, soybeans, winter wheat, sunflowers and oats for seed
- ✓ graduate of Mitchell Technical Institute
- ✓ lives in Platte, S.D., with his wife; Trudy; they have four children and 10 grandchildren



“Most [legislators] are here for the right reasons — and that is to make South Dakota a better place for our kids and grandkids.”

Q: What do you see as some of the biggest challenges facing South Dakota and its Legislature?

A: Our sales tax has been down for the past few years. We're very rural, so the ag economy has a huge impact on the monies that we bring in. The ag economy has been depressed now for three years, so our receipts have not gone up as much as we had hoped. ...

Probably the one thing that would really help us is [more collections of] the online sales tax. That's going before the U.S. Supreme Court in April, and then a ruling in June. [Editors Note: A ruling could give states the authority they need to begin collecting taxes from out-of-state sellers.]

If we can start collecting online sales taxes in South Dakota, that would be a huge deal for us. I think it would bring fairness for our business owners on Main Street. There's some places where the sales tax is six-and-a-half percent, so you can save yourself six-and-a-half percent if you order online. Well that's not fair to everybody on Main Street.

Q: The Legislature has adjourned for the year. What were the most significant issues that lawmakers worked on?

A: South Dakota allows initiated measures where citizens can put forth a proposed issue for the ballot. We made changes to that process to make it more transparent, so people really understand what's involved. For example, if there is a fiscal impact, that will have to be on [the petition that South Dakotans sign for getting the measure on the ballot]. We also changed the process so that an initiative measure doesn't cover multiple different things. ...

This year, too, we took some actions because meth and opioids are getting to be a serious, serious deal. We put some more teeth into laws, going

after the dealers. Hopefully that will help. I don't know if it went far enough. I would have liked to have seen us go a little further, but we made some steps forward.

Q: You've been in the Legislature now for five years. Is there a particular issue that you would point to as being your biggest accomplishment?

A: [Public access to] nonmeandering waters would probably rise to the top. That has been an issue in our state for 25 years. The landowners and the sportsmen have been at odds for that time, and there's never been a resolution.

Last year, the South Dakota Supreme Court said that the Legislature needed to determine how these waters are used — and that neither the landowner nor the sportsmen have exclusive rights. So we needed to come up with a compromise. We appointed a summer study right away and had meetings in the capital as well as in Aberdeen — in the northeast part of the state where most of the nonmeandering waters are. We took testimony from lots of people and had a bill put together. We held a special session in June and got that passed.

The bill that came out of that session gives landowners the right to partition the water off if they don't want people fishing on it. If not, then sportsmen can fish on it. The bill had a sunset of June 2018, so we had to revisit it this session. We eliminated the sunset, and now this is the law going forward. Not everyone's happy, but I guess when you're looking for a compromise, that's the way it should be.

Q: Over the years, what have you liked most about serving in the Legislature?

A: I would say the best thing about it is the people. Most of them are there for the right reasons — and that is to make South Dakota a better place for our kids and grandkids.