



# Legislative Research Council

# MINUTES

## Joint Legislative Procedure Committee

Representative Brian Gosch, Chair  
Senator Corey Brown, Chair

January 8, 2013  
Room – LCR 1 & 2

State Capitol  
Pierre, South Dakota

### Tuesday, January 8, 2013

The meeting of the Joint Legislative Procedure Committee was called to order by Chair Brian Gosch, at 9:00 a.m. (CDT) in LCR 1 & 2 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Representative Brian Gosch, Speaker of the House; Senator Corey Brown, President Pro Tem; Lt. Governor Matt Michels, Ex-Officio Member; Representatives Julie Bartling, Jon Hansen, Bernie Hunhoff, David Lust, and Hal Wick; and Senators Jason Frerichs, Phyllis Heineman, Al Novstrup, Russell Olson, Tim Rave, and Jim White. Representative Dean Wink was excused.

Staff members present included James Fry, Executive Director; Reuben D. Bezpaletz, Chief Analyst for Research & Legal Services; and Cindy Tryon, Legislative Secretary.

(NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC). This meeting was web cast live. The archived web cast is available at the LRC web site at <http://legis.state.sd.us>.

### Agenda

**SENATOR BROWN MOVED, SECONDED BY SENATOR RAVE, TO ADD *AMENDING THE SESSION CALENDAR* TO THE AGENDA.** The motion prevailed on a voice vote.

### Minutes

**SENATOR BROWN MOVED, SECONDED BY SENATOR RAVE, TO APPROVE THE MINUTES OF MARCH 1, 2012.** The motion prevailed unanimously on a voice vote.

### Proposed Amendment to Section 7-1.2

**Senator Brian Gosch** explained the need to correct Section 7-1.2 of the Joint Rules to change the sentence “Unless otherwise ordered under Joint Rule 6D-2...” to read “Unless otherwise ordered under Joint Rule 6D-1...”.

**SENATOR RAVE MOVED, SECONDED BY REPRESENTATIVE WICK, TO AMEND SECTION 7-1.2 OF THE JOINT RULES TO CHANGE THE LANGUAGE IN SAID RULE**

**FROM “JOINT RULE 6D-2” TO READ “JOINT RULE 6D-1”. The motion prevailed unanimously on a voice vote.**

### **Proposed Amendment to Chapter 6A**

**Senator Larry Lucas**, on behalf of the Executive Board, presented the proposed amendment to Chapter 6A of the Joint Rules: 6A-9. ***Expressions of Intent by Appropriations Committee.*** *Any expression of the Joint Committee on Appropriations regarding the intent of the Committee relating to the nature and use of any appropriated funds shall be included in the General Appropriations Bill reported to both Houses of the Legislature for final approval.*

Senator Lucas explained that an issue had arisen following the 2012 Session when the Special Joint Appropriations Committee issued Letters of Intent. This amendment could prevent such an issue from arising in the future.

**Senator Corey Brown** explained that the Letters of Intent have no legal force. They are merely a mechanism used to let state agencies know how the Legislature intended the appropriated dollars to be spent. He said that eliminating this tool would mean the legislature loses some power. The use of Letters of Intent is not found in statute.

**Senator Al Novstrup** said that removing this tool would mean that the Appropriations Committee loses some of its ability to communicate with the different agencies.

**Representative Bernie Hunhoff** said that eliminating the Letters of Intent gives up some of the Legislature's strength.

**SENATOR OLSON MOVED, SECONDED BY SENATOR RAVE, TO TABLE THE PROPOSED AMENDMENT TO CHAPTER 6A. The motion to table prevailed on a roll call vote.** Members voting aye: Representatives Bartling, Hansen, Hunhoff, and Wick; and Senators Heineman, Novstrup, Olson, Rave, White, and Brown. Members voting nay: Representatives Lust and Gosch; and Senator Frerichs. Excused: Representative Wink.

### **Proposed Amendment to Chapter 12**

Senator Brown proposed the following amendment to Chapter 12 of the Joint Rules: Add a new section to read as follows: 12.6. ***Two-thirds majority vote required to repeal sunset provision in the case of a tax statute.*** *Any repeal of or amendment to a provision which automatically abolishes the imposition of a tax at a specified time allowing the tax to continue in force requires an affirmative vote of two-thirds of the members elect.*

**REPRESENTATIVE LUST MOVED, SECONDED BY SENATOR OLSON, TO ADOPT THE PROPOSED AMENDMENT TO CHAPTER 12. The motion prevailed on a roll call vote.** Members voting aye: Representatives Bartling, Hansen, Hunhoff, Lust, Wick, Gosch; and Senators Frerichs, Heineman, Novstrup, Olson, Rave, White, and Brown. Excused: Representative Wink.

## Proposed Amendment to the 88<sup>th</sup> Legislative Session Calendar

Senator Brown proposed moving the deadline for "All bill drafts with sponsors due back in LRC by 5 PM" from January 24<sup>th</sup> to January 25<sup>th</sup>. **Mr. Jim Fry**, LRC Executive Director, said that this change would not put any additional burden on the LRC staff.

**SENATOR RAVE MOVED, SECONDED BY SENATOR FRERICHS, TO AMEND THE 88<sup>TH</sup> LEGISLATIVE SESSION CALENDAR BY MOVING THE DEADLINE FOR ALL BILL DRAFTS WITH SPONSORS DUE BACK IN LRC BY 5 PM FROM JANUARY 24 TO JANUARY 25, 2013. The motion prevailed on a roll call vote.** Members voting aye: Representatives Bartling, Hansen, Hunhoff, Lust, Wick, Gosch; and Senators Frerichs, Heineman, Novstrup, Olson, Rave, White, and Brown. Excused: Representative Wink.

### Adjourn

**SENATOR BROWN MOVED, SECONDED BY SENATOR OLSON TO ADJOURN. The motion prevailed unanimously on a voice vote.**

The committee adjourned at 10:00 a.m.

Cindy Tryon  
Committee Secretary



Representative Brian Gosch, Chair



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