



# MINUTES

## Legislative Procedure Committee

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**First and Final Meeting  
2003 Interim  
Tuesday, December 2, 2003**

**LCR 1  
State Capitol Building  
Pierre, South Dakota**

The first and final meeting of the 2003 interim of the Legislature's Legislative Procedure Committee was called to order by Co-Chair Representative Matthew Michels at 8:41 a.m. (CT) on Tuesday, December 2, 2003, in LCR 1 of the State Capitol in Pierre.

A quorum was determined with the following members answering the roll call: Senators Eric H. Bogue, Mike Jaspers, John Koskan, and Ed Olson; and Representatives Christopher W. Madsen, Matthew Michels (Co-Chair), Bill Peterson, J.E. "Jim" Putnam, and Hal Wick. Senators Garry A. Moore and Paul N. Symens and Representatives Quinten L. Burg and Mel Olson were present following the roll call. Senator Arnold M. Brown was excused.

Ms. Patricia Adam, Secretary of the Senate, was also present for the meeting.

Legislative Research Council (LRC) committee staff were James Fry, LRC Director, and Yolonda J. Soyer, Administrative Assistant.

**(NOTE:** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

**(Clarification:** Voice votes that prevail with all members present voting "aye" will carry the disposition language "prevailed unanimously." Voice votes that prevail with a majority of all members present voting "aye" will carry the disposition language "prevailed." Voice votes that prevail without all members present voting "aye" will list those members casting "nay" votes if so requested by the dissenting voter.)

### **Approval of Minutes**

**SENATOR ED OLSON MOVED, SECONDED BY SENATOR BOGUE, THAT THE MINUTES OF THE DECEMBER 3, 2002, MEETING BE APPROVED AS PRINTED AND MAILED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

### **2004 Session Calendar (Documents #1, #2, and #3)**

Mr. Fry presented the three session calendars included in the meeting packet (Plan A—**Document #1**, Plan B—**Document #2**, and Plan C—**Document #3**). He explained that Plan C provides for a four-day legislative week; Mondays are not used as legislative days. He noted that under Plan B, even though Saturday, February 14, would be a legislative day, the Legislature and staff would have a two-day break due to the Monday holiday (Presidents' Day on February 16).

Committee discussion ensued on the three calendar proposals. Senator Bogue noted that the first Saturday of the session is often an unproductive legislative day. He also stated that there was some concern about working on Saturday, February 14. Senator Koskan stated that he liked the idea of working into March. He said that his preference was to go two days into March. Representative

Putnam commented that he was “not in favor of Plan C.” He stated that legislators try to take care of their business as soon as possible. He further stated that he looked favorably upon Plan B. Representative Wick asked for consideration of Plan C with some suggested modifications; i.e., every other week would have a three-day weekend.

Representative Bill Peterson explained that he used to be in favor of the four-day week; he since has come to believe that it is better to complete the Legislature’s business as soon as possible. He pointed out that many legislators have business commitments, and it is better for them to conclude the legislative session sooner rather than later.

Senator Koskan felt that legislators need time to get back to their families and constituents. Representative Putnam noted that historically the major issues are left to the last days of the session. He stated: “We are a part-time Legislature and need to get the work done.” Representative Madsen stated that he was leaning toward supporting Plan B. Senator Moore said that he could support either Plan A or Plan B, but he expressed concern about working the first Saturday of the session, January 17. Mr. Fry explained that staff usually has two days to deal with the bill draft requests but that the staff could get the drafts finished with only one day between legislative days.

Representative Mel Olson stated his opinion that working the first Saturday was a waste of time. He also did not support Plan C (four-day legislative week).

**SENATOR ED OLSON MOVED, SECONDED BY REPRESENTATIVE MADSEN, THAT THE LEGISLATIVE PROCEDURE COMMITTEE RECOMMEND PLAN B AS THE CALENDAR FOR THE 79<sup>TH</sup> LEGISLATIVE SESSION.**

Senator Bogue suggested moving the 19<sup>th</sup> Legislative Day from Saturday, February 14, to Saturday, February 7.

**SENATOR BOGUE MOVED A SUBSTITUTE MOTION, SECONDED BY SENATOR MOORE, THAT THE LEGISLATIVE PROCEDURE COMMITTEE RECOMMEND PLAN B AS AMENDED FOR THE 79<sup>TH</sup> LEGISLATIVE SESSION CALENDAR: January 13-16; January 20-23; January 26-30; February 2-7; February 9-13; February 17-21; February 23-27; and March 15.**

Discussion followed on the substitute motion. Representative Madsen expressed concern over working two full solid weeks with only a one-day weekend. It was his opinion that Plan B as drafted was the best plan. Representative Mel Olson cautioned against taking meeting days away from the State Affairs Committees.

**SENATOR BOGUE’S SUBSTITUTE MOTION PREVAILED ON A ROLL CALL VOTE WITH 7 AYES, 6 NAYS, AND 1 EXCUSED.** Voting **AYE**: Bogue, Koskan, Moore, Symens, Burg, Putnam, and Wick. Voting **NAY**: Jaspers, Ed Olson, Madsen, Mel Olson, Bill Peterson, and Michels. **EXCUSED**: Brown.

(**NOTE:** The 2004 Legislative Session calendar is available at the South Dakota Legislature’s homepage on the Internet: <http://legis.state.sd.us> or upon request from the Legislative Research Council.)

## Review of Proposed Rule Changes

### **Proposed Change to Senate Rule 4-1 (Document #4).**

S.R. 4-1 as amended reads:

**S4-1. Standing committees.** The presiding officer of the Senate shall announce the members of the following standing committees after their selection by the president pro tempore and the minority leader. The number of members is indicated after each committee:

1. Agriculture and Natural Resources (9)
2. Appropriations (9)
3. Commerce (7)
4. Education (7)
5. Government Operations and Audit (5)
6. Health and Human Services (7)
7. Judiciary (7)
8. Legislative Procedure (7)
9. Local Government and Professional Licensing ~~(6)~~ (7)
10. Retirement Laws (5)
11. State Affairs (9)
12. Taxation (9)
13. Transportation (7)

The president of the Senate is an ex officio member of the committee on legislative procedure.

Mr. Fry explained that the proposed rule change surfaced during the 2003 Legislative Session. There was concern that the Senate Commerce Committee has an inordinate number of bills assigned to it. Under this proposal, the Senate Local Government Committee's name would be changed and the scope of the committee would change to include bills related to professional licensing and regulation in addition to local government matters. The new Senate Local Government and Professional Licensing Committee would have seven members. He noted that the LRC Executive Board forwarded the proposal to the Legislative Procedure Committee without recommendation.

Senator Ed Olson explained that the most important part of the proposal is expanding the membership of the Senate Local Government Committee from six members to seven. Senator Moore noted that sometimes there is a problem with tie votes in the Senate Local Government Committee. He further stated that he did not want to change the committee's scope, however. Senator Bogue stated his opinion that changing the membership of the Senate Local Government Committee should be a decision made by the Senate and not the Legislative Procedure Committee.

The committee took no action on the proposed change to Senate Rule S4-1.

### **Proposed New Joint Rule (Document #5).**

Senator Symens presented the following proposed new joint rule.

If by the 32nd legislative day in a forty day session or the 29th legislative day in a thirty-five day session the joint committee on appropriations does not recommend a general appropriations bill for passage, Joint Rule 7-11 does not apply, and the appropriation committee which had not originally introduced the general appropriation bill shall then introduce a separate general appropriations bill on the next legislative day.

The two general appropriations bills shall be reported without recommendation to the respective houses of origin and placed upon the calendar for consideration.

**SENATOR SYMENS MOVED, SECONDED BY REPRESENTATIVE BURG, THAT THE LEGISLATIVE PROCEDURE COMMITTEE RECOMMEND THE PROPOSED NEW JOINT RULE.**

Discussion followed on the motion. Senator Symens explained that his proposal is similar to a rule that had been approved in 1993. Representative Burg stated his opinion that the last-minute consideration of the general appropriations bill needs to be addressed. Senator Symens stressed that under his proposal amendments can still be made to the general bill; the proposal would provide for earlier delivery of the general bill to the Legislature. He explained that at one time the Democrats controlled the Senate Appropriations Committee, and the Republicans controlled the House Appropriations Committee. Under that situation, there were two committee bills. Representative Putnam noted that each house having an appropriations bill is not unlike many states. The process does not change if there are two bills; however, he was concerned that "things change very quickly and it upsets the committee thought process in regard to the funding of the state." In the past, the general bill has been passed out earlier. Revenue and expenditure information can change very quickly, and that is why sometimes appropriations decisions are made later in the session. Senator Moore commented that the proposal does not preempt someone from testifying before the Appropriations Committee near the end of the session. Changes still can be made to the general bill.

Senator Bogue expressed concern that the proposed rule is being brought up at the last minute. He pointed out that the previous similar rule was in effect prior to term limits. He felt that this type of change needs to have more consideration and input. He cautioned committee members against making such a change too quickly. Senator Koskan felt that the proposal could result in some "gaming" between the two houses on the general appropriations bill. Senator Symens stated that when a similar rule was in effect, the Senate Appropriations Committee came in early to begin its work. He stated: "It worked perfectly." There were two appropriations bills, but the committee chairs met with the Governor and worked out the differences, which resulted in one appropriations bill.

**SENATOR MOORE MOVED A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE MEL OLSON, TO DEFER ACTION ON THE PROPOSED NEW RULE UNTIL THE NEXT MEETING OF THE LEGISLATIVE PROCEDURE COMMITTEE.**

Upon a query from Senator Koskan, Co-Chair Michels explained that the committee could meet again before the start of the legislative session. The committee could meet on Monday, January 12, or the morning of Tuesday, January 13, for example.

**SENATOR MOORE'S SUBSTITUTE MOTION FAILED ON A VOICE VOTE.**

**SENATOR SYMENS' MOTION FAILED ON A ROLL CALL VOTE WITH 4 AYES, 8 NAYS, AND 2 EXCUSED.** Voting **AYE**: Moore, Symens, Burg, and Mel Olson. Voting **NAY**: Bogue, Jaspers, Koskan, Ed Olson, Madsen, Putnam, Wick, and Michels. **EXCUSED**: Bill Peterson and Brown.

**Discussion of Name Badges and Floor Privileges**

Mr. Fry noted that some individuals have been concerned about the color of the name badges they have been issued. He further explained that often legislators invite high school students to come to Pierre for a brief period of time. These students are not part of the Legislative Page Program and are not under the authority of the Page Adviser. These students do not really have a defined place in the legislative process. Often these are students who applied to be legislative pages and who

were not selected to participate in that program. Senator Ed Olson stated that the use of yellow "guest" badges (which do not carry floor privileges) is appropriate for these individuals. He noted that "rules are rules and we have to play by them." Mr. Fry explained that likewise some legislators hire college students to serve as assistants during the legislative session. These "assistants" do not have floor privileges because the assistants are not part of the Legislature's Intern Program.

Senator Symens commented: "If you start changing the rules for one person, then what happens if each of the 105 legislators decides to bring a guest to Pierre?"

### **Review of Session Employees, Interns, and Pages**

Mr. Fry referred committee members to rosters of individuals who have been offered positions in the Senate, House, or LRC for the 2004 Legislative Session (**Documents #6, #7, and #8**, respectively).

The intern selections have been made, and committee members were directed to a document entitled "Breakdown of 2004 Legislative Intern Applications by School and Party Affiliation" (**Document #9**), 2004 Senate Interns by School (**Document #10**), and House Interns by School (**Document #11**). Mr. Fry noted that there were 68 intern applications; all were interviewed. He commented that the Legislative Intern Program has "really taken off." In response to a question from Representative Wick, Mr. Fry responded that intern applicants who were not selected and who were underclassmen were encouraged to apply next year.

**Document #12** is a summary of the 2004 page applications displaying information on applications received and number of pages selected for both the 2003 and 2004 Legislative Sessions.

### **Legislator Compensation for Session**

Committee members were provided a schedule of when legislators will be compensated during the 2004 Legislative Session (**Document #13**). Responding to a question posed by Representative Wick, Mr. Fry responded that under the state's new payroll system, the salary check must be a direct deposit. The expense check, however, remains a paper warrant that will be distributed to members.

**REPRESENTATIVE MADSEN MOVED, SECONDED BY REPRESENTATIVE WICK, THAT THE LEGISLATIVE PROCEDURE COMMITTEE ADJOURN. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

The committee adjourned at 9:40 a.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).