



MINUTES

Legislative Procedure Committee

2005 Interim
Tuesday, December 6, 2005

LCR 2
State Capitol Building
Pierre, South Dakota

The Legislature's Legislative Procedure Committee was called to order by Co-Chair Senator Lee Schoenbeck 8:50 a.m. (CT) on Tuesday, December 6, 2005, in LCR 2 of the State Capitol in Pierre.

A quorum was determined with the following members answering the roll call: Senators Eric H. Bogue, Jay Duenwald, Bob Gray, Gary D. Hanson, John Koskan, Garry A. Moore, and Lee Schoenbeck (Co-Chair); and Representatives Thomas J. Deadrick, Margaret V. Gillespie, Dale Hargens, Matthew Michels (Co-Chair), Larry Rhoden, J.E. "Jim" Putnam, and Hal G. Wick.

Ms. Patricia Adam, Secretary of the Senate, and Ms. Karen Gerdes, Chief Clerk of the House of Representatives, were also in attendance.

Legislative Research Council (LRC) committee staff were James Fry, LRC Director, and Teri Retrum, 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 KOSKAN MOVED, SECONDED BY REPRESENTATIVE PUTNAM, THAT THE MINUTES OF THE DECEMBER 7, 2004, MEETING BE APPROVED AS PRINTED AND MAILED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Approval of Agenda

Chair Senator Lee Schoenbeck asked if there were changes or additions to the agenda. There being none, the agenda was approved as presented.

Consideration of Amendments to Rules

Director Fry brought the committee's attention to two amendments to the Joint Rules that were distributed in the committee packets.

J.R. 4-1—Moves item (13) to follow item (10) so that all first readings are together.

J.R. 4-1: Amend as follows:

4-1. Daily order of business. After call to order, the daily order of business shall be as follows:

- (1) Prayer by the chaplain and pledge of allegiance;
- (2) Roll call and determination of a quorum;
- (3) Approval of the journal;
- (4) Communications and petitions;
- (5) Reports of standing committees;
- (6) Reports of select committees;
- (7) Messages from the other house;
- (8) Motions and resolutions;
- (9) Consideration of committee reports;
- (10) Introduction, first reading and reference of bills and joint resolutions originating in the house;
- (11) First reading and reference of bills and joint resolutions originating in the other house;
- (12) Second reading of consent calendar bills and resolutions;
- ~~(12)~~(13) Second reading of bills and joint resolutions originating in the house;
- ~~(13)~~ First reading and reference of bills and joint resolutions originating in the other house;
- (14) Second reading of bills and joint resolutions originating in the other house;
- (15) Announcements.

To revert to an old order of business or to pass to a new order of business requires a majority vote of the members present. Any message or communication from the Governor or other state officer may be received at any time.

J.R. 5-11.1—Ensures that a tabling motion is final disposition and cannot be reconsidered.

J.R. 5-11: Amend as follows:

5-11.1 Motions to reconsider. Having given notice of intent to reconsider, the member giving notice may move to reconsider the question not later than the next legislative day, except as provided in Joint Rule 5-13. Any motion to reconsider shall be made under order of business No. 8, except as provided in Joint Rule 5-13, and takes precedence over all other motions except to recess or to adjourn. No motion to reconsider the same question may be made twice in the same house without unanimous consent. Every motion to reconsider shall be decided by a majority vote of the members-elect on a roll call vote. No question may be reconsidered except the final disposition of bills and joint resolutions and the override of vetoes. No motion to lay on the table is subject to reconsideration.

Final Action on Amendments to J.R. 4-1 and J.R. 5-11.1

REPRESENTATIVE PUTNAM MOVED, SECONDED BY REPRESENTATIVE GILLESPIE, THAT THE COMMITTEE ADOPT PROPOSED JOINT RULES CHANGES TO J.R. 4-11 and J.R. 5-11.1. The motion prevailed on a voice vote.

At the request of Director Fry, **Mr. Fred Baatz**, LRC Principal Research Analyst, addressed the committee concerning the Committee Rules, Chapter 7. Mr. Baatz said that the current rules do not

necessarily translate to the process used for committee procedures and explained the proposed rule changes to Chapter 7 of the Joint Rules.

Mr. Baatz said that the proposed rules changes also might be helpful for legislators who wish to study the committee rules and to the public, state agencies, and lobbyists because they would better reflect committee procedures and motions.

Discussion ensued on the other proposed changes to the Joint Rules.

J.R. 7-13. Entertainment of Motions. No motion may be entertained and debated until it is seconded. Following the second of a debatable motion, the chair shall first recognize the member making the motion. No member of the House of Representatives may make introductory remarks prior to making a motion.

SENATOR GARY HANSON MOVED, SECONDED BY REPRESENTATIVE MICHELS, THAT J.R. 7-13 BE AMENDED AS FOLLOWS:

J.R. 7-13. Entertainment of motions. No motion may be debated until it is seconded. Following the second of a debatable motion, the chair shall first recognize the member making the motion. No member of the House of Representatives may make introductory remarks prior to making a motion. The motion prevailed on a voice vote.

J.R. 7-15. Withdrawal of Motions. After a motion is stated by the chair, it may not be withdrawn without consent of the members who made and seconded the motion.

Representative Thomas Deadrick expressed concern about the wording for this proposed rule and suggested that motions may not be withdrawn without unanimous consent of the committee members.

REPRESENTATIVE DEADRICK MOVED, SECONDED BY REPRESENTATIVE RHODEN, THAT PROPOSED J.R. 7-15 BE DELETED.

Representative Matthew Michels said that he would not support the motion to delete J.R. 7-15 because the proposal makes it clear how a motion can be withdrawn.

Senator Schoenbeck agreed with Representative Michels.

Senator Moore suggested that perhaps a simple majority vote could determine whether a motion can be withdrawn.

Representative Deadrick said that he would be amenable to Senator Moore's suggestion.

REPRESENTATIVE DEADRICK'S MOTION, THAT PROPOSED J.R. 7-15 BE DELETED FAILED ON A VOICE VOTE.

J.R. 7-20. Scope of motion to defer to day certain beyond sine die. The rules pertaining to motions to table and to defer to a day certain beyond sine die shall be the same except that a motion to defer to a day certain beyond sine die is debatable. (The following sentence was added after the packet was sent—A member of the Senate may make introductory remarks prior to making a motion to defer to a day certain beyond sine die.)

REPRESENTATIVE DEADRICK MOVED, SECONDED BY REPRESENTATIVE WICK, THAT THE COMMITTEE ADOPT J.R. 7-20, AS PRESENTED. The motion prevailed on a voice vote.

Final Action on Chapter 7 of the Joint Rules

REPRESENTATIVE DEADRICK MOVED, SECONDED BY REPRESENTATIVE WICK, THAT THE COMMITTEE ADOPT AND RECOMMEND THE JOINT RULES—CHAPTER 7. COMMITTEES—AS AMENDED. The motion prevailed on a voice.

Establish 2006 Legislative Calendar

Mr. Fry addressed the calendar proposals for the 2006 Legislative Session. He said that Draft Calendar Plans A, B, and D provide variations on the legislative days, which include working Saturdays; Draft Calendar Plan C provides for no working Saturdays.

Senators Schoenbeck and Koskan expressed support for Draft Calendar C. Both Senators said that they preferred the draft because it allowed for legislators to spend more time with their families, as well as an opportunity to go home to visit with their constituents, and for staff to be able to better handle their workload.

Representative Larry Rhoden said he thinks that working on Saturdays has become counter-productive and that he also prefers Draft Calendar C.

Representative Hal Wick suggested that Draft Calendar C be changed by "pulling either legislative day 14 or 19 down to the last week" and working three days instead of two days the last week, which will allow for one additional three-day weekend during session.

Senator Jay Duenwald said that he supported Representative Wick's suggestion.

SENATOR DUENWALD MOVED, SECONDED BY REPRESENTATIVE WICK, THAT THE COMMITTEE ADOPT DRAFT CALENDAR C WITH THE CHANGE OF WORKING THREE DAYS INSTEAD OF TWO DAYS THE LAST WEEK.

Representative Michels said that he does not like having veto day on a Friday and suggested that veto day be moved to Monday, March 20, 2006, on Draft Calendar C.

REPRESENTATIVE MICHELS MOVED, SECONDED BY SENATOR SCHOENBECK, THAT SENATOR DUENWALD'S MOTION BE AMENDED BY CHANGING VETO DAY FROM FRIDAY, MARCH 17, 2006, TO MONDAY, MARCH 20, 2006, AND ONLY WORKING TWO DAYS THE LAST WEEK.

Also, Representative Michels said that the Legislative Procedures Committee in the future might want to consider reserving three or four days to discuss gubernatorial vetoes and emergency measures after the regular session has ended.

REPRESENTATIVE MICHELS' MOTION TO AMEND SENATOR DUENWALD'S MOTION PREVAILED ON A VOICE VOTE.

Senator Moore expressed concern that the Legislature will be in session to mid-March and questioned whether this is the direction that the committee wants to move toward, lengthening the session.

Senator Koskan commented that the calendar can be changed for the following year, if the proposed changes do not work.

Final Action on the 2006 Legislative Calendar

SENATOR DUENWALD'S MOTION, AS AMENDED, PREVAILED ON A SHOW OF HANDS, AND THE LEGISLATIVE PROCEDURE COMMITTEE RECOMMENDS THE FOLLOWING CALENDAR FOR THE 2006 (81st) LEGISLATIVE SESSION: January 10-13; January 17-20; January 23-27; January 30-February 3; February 6-10; February 13-17; February 21-24; February 27-28; and March 20.

(NOTE: The 2006 Legislative Session calendar is available at the South Dakota Legislature's home page on the Internet: <http://legis.state.sd.us> or upon request from the Legislative Research Council.)

REPRESENTATIVE MICHELS MOVED, SECONDED BY REPRESENTATIVE PUTNAM, THAT THE LEGISLATIVE PROCEDURE COMMITTEE ADJOURN. The motion prevailed on a voice vote.

The committee adjourned at 9:30 a.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's home page: <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.htm>).