



MINUTES EXECUTIVE BOARD

**Three hundred twenty-second Meeting
Tuesday
March 22, 2005**

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

Tuesday, March 22, 2005

The three hundred twenty-second meeting of the Legislative Research Council Executive Board was called to order by Chair Senator Orville B. Smidt at 8:00 a.m. (CT), Tuesday, March 22, 2005, in LCR 1 of the State Capitol, Pierre, South Dakota. This was an organizational meeting of the 2005-2006 Executive Board.

A quorum was determined with the following members answering the roll call: Senators Mike Broderick, William F. Earley, Bob Gray, Gil Koetzle, and Ed Olson; and Representatives H. Paul Dennert, Pat Haley, Phyllis M. Heineman, Jean M. Hunhoff, Barry Jensen, Matthew Michels, Gordon R. Pederson, and J. E. "Jim" Putnam. Senators Jim Peterson and Lee Schoenbeck were unable to attend the meeting.

Staff members present included James Fry, 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

REPRESENTATIVE MICHELS MOVED, SECONDED BY SENATOR OLSON, THAT THE MINUTES OF THE NOVEMBER 22-23, 2004, MEETING BE APPROVED AS PRINTED AND MAILED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Approval of Agenda

Mr. Fry reported that Jeff Bloomberg, Bureau of Personnel, has requested use of Room 412 for a classroom. He will be teaching a class in political science on Wednesday evening for a ten-week period.

REPRESENTATIVE PEDERSON MOVED, SECONDED BY REPRESENTATIVE HEINEMAN, TO APPROVE THE AGENDA AS AMENDED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Senator Smidt congratulated and welcomed the new members of the Board: Senators Broderick, Earley, and Gray; and Representatives Haley, Hunhoff, Jensen, Pederson, and Putnam. He stated that he had enjoyed his tenure on the Board, especially serving as chair the past two years. He referenced the subcommittee system that has been developed for the Board. He noted that the Space Planning Subcommittee is a very important group; the Executive Board has done a lot of work relative

to office space. The subcommittee recommended a "smart meeting room" for the Legislature. Senator Smidt explained the work of the other subcommittees and extended his appreciation to the subcommittee chairs.

Senator Smidt stated that he would present certificates of appreciation to outgoing Board members Senators Julie Bartling, Thomas A. Dempster, Brock H. Greenfield, and Royal "Mac" McCracken.

Election of Officers

Senator Smidt called for nominations for Executive Board Chair.

REPRESENTATIVE MICHELS MOVED, SECONDED BY SENATOR GRAY, THAT SENATOR ED OLSON BE NOMINATED AS CHAIR OF THE 2005-2006 EXECUTIVE BOARD.

REPRESENTATIVE MICHELS MOVED, SECONDED BY SENATOR BRODERICK, THAT NOMINATIONS CEASE AND THAT A UNANIMOUS BALLOT BE CAST FOR SENATOR ED OLSON AS CHAIR OF THE 2005-2006 EXECUTIVE BOARD. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

(NOTE: Senator Olson assumed the Chair.)

Chair Olson praised Senator Smidt for his leadership of the Board. He also stated that he would like the Board to hold a retreat. Senator Olson recommended that the Board address the following question at each of its meetings: "What are the biggest issues that face us today?" The Board will engage in a continuous conversation, and the "biggest issues" should change. He stressed that he will work very hard to handle the business of the Legislature.

Chair Olson called for nominations for Executive Board Vice Chair.

REPRESENTATIVE JENSEN MOVED, SECONDED BY REPRESENTATIVE HALEY, THAT REPRESENTATIVE GORDON PEDERSON BE NOMINATED AS VICE CHAIR OF THE 2005-2006 EXECUTIVE BOARD.

REPRESENTATIVE HUNHOFF MOVED, SECONDED BY SENATOR EARLEY, THAT REPRESENTATIVE PHYLLIS HEINEMAN BE NOMINATED AS VICE CHAIR OF THE 2005-2006 EXECUTIVE BOARD.

Following a secret ballot, **REPRESENTATIVE GORDON PEDERSON WAS ELECTED VICE CHAIR OF THE 2005-2006 EXECUTIVE BOARD.**

Executive Board Subcommittees

Chair Olson asked the members of the minority party to recommend one of their Board members to serve on the Executive Committee. Upon Representative Haley's recommendation, Chair Olson appointed Representative H. Paul Dennert to the Executive Committee. Other members are Chair Olson and Vice Chair Pederson.

Senator Olson named Senator Bob Gray as chair of the Space Planning Subcommittee.

Doctor-of-the-Day Program (Document #1)

Results of a survey of the 2004 Doctor-of-the-Day Program was provided in the meeting packet. This information was provided by the South Dakota State Medical Association.

Use of Legislative Chambers

Mr. Fry explained that South Dakota Teen Age Republicans has requested use of the House Chamber on Saturday, April 9, 2005, for a model legislature. The Children's Home Society of South Dakota has requested use of the Senate Chamber on Thursday, April 28, 2005, for a model legislature. The Director noted that these groups have used the chambers for these purposes in past years, and there has not been a problem. The requisite deposits and applications are on file.

REPRESENTATIVE MICHELS MOVED, SECONDED BY REPRESENTATIVE DENNERT, THAT THE EXECUTIVE BOARD APPROVE USE OF THE HOUSE CHAMBER ON APRIL 9, 2005, BY THE SOUTH DAKOTA TEEN AGE REPUBLICANS FOR A MODEL LEGISLATURE AND THAT SUCH APPROVAL PROHIBITS USE OF THE HOUSE VOTING SYSTEM; AND THAT THE EXECUTIVE BOARD APPROVE USE OF THE SENATE CHAMBER ON APRIL 28, 2005, BY THE CHILDREN'S HOME SOCIETY OF SOUTH DAKOTA FOR A MODEL LEGISLATURE AND THAT SUCH APPROVAL INCLUDES USE OF THE SENATE SOUND SYSTEM. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Proposed Meeting Schedule (Document #2)

REPRESENTATIVE MICHELS MOVED, SECONDED BY REPRESENTATIVE HALEY, TO APPROVE THE PROPOSED EXECUTIVE BOARD MEETING SCHEDULE.

Representative Michels and Chair Olson stated that they favored Monday meeting days. Also, the Interim Rules Review Committee (which is chaired by Representative Hunhoff) often meets the day following the Executive Board meeting.

MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

The Executive Board meeting dates for 2005 are Monday, **April 18**; Monday, **May 16**; Monday, **June 13**; Monday, **August 8**, and Monday and Tuesday, **November 28-29**.

Agencies for Review (Document #3)

Also included in the meeting packet was a listing of state government agencies. At its November 2004 meeting, the Executive Board selected the Department of Agriculture and the Department of Public Safety for review during the 2005 interim, pursuant to SDCL 1-26E-2.

Streamlined Sales Tax Implementation System (Document #4)

Director Fry explained that the Executive Board originally appointed Senators Orville Smidt and Royal "Mac" McCracken and Representative H. Paul Dennert (alternate) to the Streamlined Sales Tax Implementation System. The following legislators are recommended for service on this group: Senators McCracken and Smidt and Representatives Dennert and Wick.

Senator McCracken stated that Senator Smidt could carry on their work with this group but that he would be willing to serve as an alternate. Senator Smidt stated his opinion that four appointments should be made.

REPRESENTATIVE PEDERSON MOVED, SECONDED BY SENATOR BRODERICK, THAT THE EXECUTIVE BOARD APPOINT SENATOR ORVILLE B. SMIDT AND REPRESENTATIVES H. PAUL DENNERT AND HAL G. WICK TO THE STREAMLINED SALES TAX IMPLEMENTATION SYSTEM; THAT THE EXECUTIVE BOARD APPOINT SENATOR ROYAL "MAC" MC CRACKEN AS AN ALTERNATE TO THE STREAMLINED SALES TAX IMPLEMENTATION SYSTEM; AND THAT THE TERMS OF THESE APPOINTMENTS EXPIRE ON DECEMBER 31, 2006. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Request for Use of Legislative Meeting Room

REPRESENTATIVE MICHELS MOVED, SECONDED BY SENATOR GRAY, THAT THE EXECUTIVE BOARD APPROVE JEFF BLOOMBERG'S REQUEST TO USE ROOM 412 AS A CLASSROOM ON WEDNESDAY EVENINGS FOR A TEN-WEEK PERIOD WITHOUT CHARGE. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Next Meeting Date

The Board will meet on Monday, April 18, to select study topics for the 2005 interim.

Representative Michels requested that the Bonding Review Committee convene at that time and that Mr. Don Templeton, South Dakota Health and Educational Facilities Authority, be invited to appear to discuss the Education Enhancement Trust Fund and the restrictions applying thereto; such discussion should include complying with the Master Agreement. Senator Earley asked about securing a copy of the bond agreement. Representative Michels responded that Mr. Jason Dilges, Commissioner of the Bureau of Finance and Management, has a letter from Mr. Bruce A. Bonjour, bond counsel, relative to the trust. Staff was directed to obtain additional information if the letter from bond counsel is not sufficient. Representative Dennert noted that next year the state goes into the "sixteen quarter" period, which affects the value of the trust fund.

Representative Heineman requested that information on the Education Enhancement Trust Fund be provided to Board members in advance of the April 18 meeting.

SENATOR BRODERICK MOVED, SECONDED BY REPRESENTATIVE DENNERT, THAT THE EXECUTIVE BOARD ADJOURN. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

The Executive Board adjourned at 8:35 a.m.



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