



Tuesday, January 8, 2008

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

The meeting of the Legislative Procedure Committee was called to order by Co-Chair Senator Bob Gray at 9:05 a.m. on Tuesday, January 8, 2008, in LCR 1 of the State Capitol in Pierre.

A quorum was determined with the following members answering the roll call: Senators Bob Gray (Co-Chair), Jim Lintz, Dave Knudson, Ed Olson, Gary Hanson, Scott N. Heidepriem, and Ben Nesselhuf; and Representatives Thomas J. Deadrick (Co-Chair), Tim Rave, Roger Hunt, J.E. "Jim" Putnam, Larry Rhoden, Margaret Gillespie, and Dale Hargens. Representative Margaret Gillespie was excused. Ex-Officio member, Lieutenant Governor Dennis Daugaard was present.

Staff members present included: Jim Fry, LRC Director, Reuben Bezpaletz, Chief of Research and Legal Services; and Linda Daugaard, Secretary.

Approval of Minutes

REPRESENTATIVE PUTNAM MOVED, SECONDED BY REPRESENTATIVE RAVE, TO APPROVE THE MINUTES OF THE MARCH 5, 2007, MEETING. The motion prevailed unanimously on a voice vote.

Approval of Agenda

REPRESENTATIVE RHODEN MOVED, SECONDED BY REPRESENTATIVE HUNT, TO APPROVE THE AGENDA. The motion prevailed unanimously on a voice vote.

Representative Deadrick gave an overview of the Legislative Code of Conduct in the New Chapter (1B) in the Joint Rules. He explained other states base their Code of Conduct on campaign contributions and we took care of that last session. Representative Deadrick said the Proposed Amendment says any violation must be in writing and signed by two members.

Representative Hunt asked for clarification on 1B-2, with the words "involvement in public arrangements." Jim Fry explained this was language in handbooks across the country and the broader terms cover interactions with the public beyond discussions. This term is broader and more encompassing. Representative Hunt said "involvement in public arrangement" is nebulous, and to ensure legislative compliance means understanding this code.

SENATOR HEIDPRIEM MOVED, SECONDED BY SENATOR ED OLSON, TO AMEND 1B-2 BY DELETING THE LAST 5 WORDS IN THE FIRST SENTENCE AND PUTTING A

PERIOD AFTER THE WORD “INTEREST”. The motion prevailed unanimously on a voice vote.

SENATOR KNUDSON MOVED, SECONDED BY SENATOR HEIDPRIEM, APPROVAL OF THE LEGISLATIVE CODE OF CONDUCT 1B-1 THROUGH 1B-4, AS AMENDED. The motion prevailed on a roll call vote with 13 voting AYE, 0 voting NAY, and 1 EXCUSED. Those voting AYE: Hanson, Heidepriem, Knudson, Nesselhuf, Olson, Lintz, Gray, Hargens, Hunt, Putnam, Rhoden, Rave, Deadrick. Those EXCUSED: Gillespie.

REPRESENTATIVE HUNT MOVED, SECONDED BY REPRESENTATIVE RAVE, APPROVAL OF THE PROPOSED AMENDMENT TO CURRENT HOUSE AND SENATE RULES ON DISCIPLINE AND EXPULSION, H6-1 AND S8-1. The motion prevailed on a roll call vote with 13 voting AYE, 0 voting NAY, and 1 EXCUSED. Those voting AYE: Hanson, Heidepriem, Knudson, Nesselhuf, Olson, Lintz, Gray, Hargens, Hunt, Putnam, Rhoden, Rave, Deadrick. Those EXCUSED: Gillespie.

Senator Gray and Representative Rhoden thanked LRC staff and the Legislative Code of Conduct Subcommittee for their hard work and many hours of meetings.

Lieutenant Governor Dennis Daugaard explained the Proposed Amendments to the Joint Rules. In 1-3, he explained that the current rules were unclear whether the appeal needed to be made by the majority of the members present or the majority of the members elected. Daugaard said *Mason’s Rules of Order* says an appeal should be made by the members present. Senator Heidepriem said there should be a comma added after the word “appeal”.

SENATOR HEIDPRIEM MOVED, SECONDED BY SENATOR OLSON, TO AMEND 1-3 BY ADDING A COMMA AFTER THE WORD “APPEAL”. The motion prevailed unanimously on a voice vote.

REPRESENTATIVE RHODEN MOVED, SECONDED BY REPRESENTATIVE HARGENS, TO APPROVE 1-3, AS AMENDED. The motion prevailed on a roll call vote with 13 voting AYE, 0 voting NAY, and 1 EXCUSED. Those voting AYE: Hanson, Heidepriem, Knudson, Nesselhuf, Olson, Lintz, Gray, Hargens, Hunt, Putnam, Rhoden, Rave, Deadrick. Those EXCUSED: Gillespie.

Lieutenant Governor Daugaard explained 6C-1.1, which inserts language for a fiscal note only if money is involved.

SENATOR OLSON MOVED, SECONDED BY REPRESENTATIVE RHODEN, TO APPROVE 6C-1.1, AS AMENDED. The motion prevailed on a roll call vote with 13 voting AYE, 0 voting NAY, and 1 EXCUSED. Those voting AYE: Hanson, Heidepriem, Knudson, Nesselhuf, Olson, Lintz, Gray, Hargens, Hunt, Putnam, Rhoden, Rave, Deadrick. Those EXCUSED: Gillespie.

Senator Nesselhuf proposed that no one be allowed on the floors of the Senate and House as it is very difficult to get work done with all the interruptions. He said most legislators

without an office agree with him. Representative Hunt expressed concern that closing the floor would be a barrier for the public to access the legislators. Representative Rhoden says lobbyists will take many steps to talk to a legislator, but citizens from back home have limited access. Senator Heidepriem said that problem may be solved next year when more offices will be added on fourth floor. Jim Fry said the new construction may or may not solve the office problem. Room 468 may be freed up for office space. Room 430 on the Senate side was converted to offices 10 or 12 years ago. Representative Putnam recommends saying no to lobbyists when needing to work. Representative Nesselhuf said those disagreeing with the proposal have offices currently in the Capitol

SENATOR NESSELHUF MOVED, SECONDED BY SENATOR HEIDPRIEM, TO CLOSE THE HOUSE AND SENATE FLOORS TO LOBBYISTS AND VISITORS. The motion prevailed on a roll call vote with 2 voting AYE, 11 voting NAY, and 1 EXCUSED. Those voting AYE: Heidepriem and Nesselhuf. Those voting NAY: Hanson, Knudson, Olson, Lintz, Gray, Hargens, Hunt, Putnam, Rhoden, Rave, Deadrick. Those EXCUSED: Gillespie.

Adjournment

REPRESENTATIVE RAVE MOVED, SECONDED BY REPRESENTATIVE HUNT, TO ADJOURN. The motion prevailed unanimously on a voice vote.

The committee adjourned at 9:45 a.m.



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