



South Dakota Legislative Research Council

Issue Memorandum 94-26

SPECIAL SESSIONS OF THE SOUTH DAKOTA LEGISLATURE

Since statehood, South Dakota has had nineteen special sessions. The first of them actually took place just prior to statehood, but the session dealt with the business of the state-to-be and was attended by those elected to the first state legislature.

All of the special sessions held in South Dakota have been called by the Governor, who was the only one who had the authority to do so until 1990. The voters in that year approved an amendment to the state constitution allowing the legislature to call itself into special session.

The South Dakota Constitution limits not only who may call a special session, but also the breadth of topics which may be discussed at those sessions. Whether a special session is called by the Governor or by the legislature, the topics discussed are limited to the items specified in the proclamation. This, however, has not always been the case. Prior to the 1972 passage of a constitutional amendment giving the Governor the authority to limit the South Dakota Legislature's agenda in a special session, there was no such limitation. Legislators were free to transact any business they desired.

According to the **Book of the States 1994-95**, published by the Council of State Governments in early 1994, legislators in 31 states now have the authority to call themselves into special session. In 38 states, the legislators have at least some control over what topics are addressed at special sessions. In addition, limits on the length of

special sessions are in place in 19 states, but not in South Dakota.

Following are the dates of every special session held in this state and a brief summary of the legislation passed at each of them.

October 15-17, 1889

At the beginning of October, voters in the part of Dakota Territory that would become South Dakota had ratified a state constitution and had elected state officials, and voters in what would become North Dakota had done likewise.

A special session was then held in Pierre to confirm the elections and to itself elect two U.S. Senators from South Dakota. At that time, U.S. Representatives were chosen by direct election (popular vote), but U.S. Senators were not. In South Dakota, the two senators were elected by the state legislature.

On November 2, the President of the United States signed papers granting statehood to North Dakota and South Dakota, respectively.

February 8-11, 1916

Two substantive pieces of legislation were passed at this special session. Senate Joint Resolution 2 submitted to a vote of the people an amendment to Article XIII of the

South Dakota Constitution. Article XIII pertains to public indebtedness; the amendment would require a two-thirds majority vote of the legislature to expend money on building roads and supplying coal from the state lands to state citizens. This was approved by the voters the following November.

Senate Bill 1 amended the primary election law to include a presidential preference primary.

March 18-23, 1918

This session passed more than sixty laws and resolutions on a variety of topics. Several bills were related to U.S. participation in the (first) world war, for example, a moratorium on debts incurred by those engaged in war service. This session continued an expansion of state government begun by the regular session of 1917, which had allowed the state to operate cement, electric, and coal utilities, build roads, and engage in other internal improvements. Legislators passed joint resolutions to amend the state constitution to allow the state to go into debt for these purposes (with certain restrictions). These proposed amendments were later approved by the voters. The legislature also ratified an amendment to the U.S. Constitution establishing Prohibition (of alcoholic beverages).

December 2-4, 1919

This session ratified a U.S. Constitutional Amendment granting women suffrage.

June 21-29, 1920

More than ninety laws and resolutions were passed. Several laws dealt with school districts, and several with municipal

corporations and bonds. There were also three proposed amendments to Article XIII of the South Dakota Constitution. One amendment, which would liberalize restrictions on local government indebtedness, later failed to win voter approval. Two other amendments were later approved: one would set up a system of credits to help South Dakotans build homes; another would compensate World War (I) veterans.

June 22-July 1, 1927

This session passed more than twenty laws and resolutions, most of which were concerned with budget matters and state government operations.

July 31-August 5, 1933

Twenty laws and resolutions on various topics were passed. Some appeared to be legislative responses to problems of that time such as depression-caused bank failures, and drought-caused loss of topsoil. Several laws were passed regulating banks. Another law provided financial assistance to landowners for tree planting.

December 21-24, 1936

This session passed House Bill 7, an emergency amendment to the county budget law, and Senate Bill 1, a state plan for unemployment compensation in compliance with the Federal Social Security Act of 1935. The latter was intended to alleviate some of the effects of the nation's economic depression.

July 10-12, 1944

This session was known as "The World War II Special Session." It provided free tuition for war veterans in state educational institutions, absentee voting for members of the armed forces, a veterans department, and a veterans fund.

February 6-16, 1950

This session passed more than twenty laws and resolutions on a wide variety of subjects. Among the most important were Senate Bill 3 (the Municipal Housing and Redevelopment Act) and its several companion bills of supportive nature, and House Bill 1 (the Consumers Power District Act).

May 18, 1981

This session passed Senate Bill 1, which transferred expenditure authority between the highway fund and the general fund for certain expenditures of the division of railroads and the division of highway patrol. The purpose of Senate Bill 1 was to help fund operation of a state railroad.

September 23-24, 1981

Four new laws were enacted. Three pertained to the sale of Missouri River water to Energy Transportation Systems (ETSI), Incorporated, with the money received from ETSI to be used for water development, and primary emphasis to be placed on construction of an aqueduct from the Missouri River through western South Dakota. (House Bill 1001 authorized the aqueduct; House Bill 1002 authorized the sale of water to ETSI; House Bill 1003 established a water development fund using

proceeds from the water sale.)

May 2-3, 1984

This session passed Senate Bill 1, which provided for establishment of water development districts. Six new water development districts were immediately created by statute, with provision for possible additional districts to be created by specified procedures, including a vote of qualified voters in a proposed district.

The bill dissolved the nine existing water conservancy subdistricts. It also provided means by which a water development district could be dissolved.

The intent of the law was to facilitate water development in South Dakota by bringing a closer match of district boundaries with benefit areas. Opponents have criticized the structure of the new districts as favoring urban over rural interests, and in some cases having inadequate tax bases.

July 16, 1987

This session was held at a time when the state was competing with many other states for the location of the Superconducting Super Collider, a proposed research facility larger than any in the world in the field of particle physics. In this regard, two new laws were enacted. One established a Superconducting Super Collider Authority to oversee the state's bid for the project. The other appropriated funds for use in the establishment and development of the research facility. Ultimately, however, the state was not selected as the site.

October 3, 1991

At this special session, the legislature apportioned its members by dividing the state into legislative districts. The state constitution requires the legislature do this following every federal decennial census. Their deadline for completion was December 31, 1991, and since they did not complete the task during the regular session in 1991, a special session was called by the Governor.

The legislature was successful in completing its task, but deciding how to divide the state was not easy. Several plans were brought forth for discussion, and a partisan battle ensued. In the end, the Republicans, who held a majority in both houses, were able to implement their plan.

November 26, 1991

Just when the legislators thought the redistricting process was behind them, they were asked to return to Pierre to address the issue once again. This time they passed a bill rectifying small errors which were contained in the plan they enacted a few weeks earlier.

May 25, 1993

At this special session, legislators were brought together to confront the aftermath of a tragic spring season in South Dakota. On April 19, 1993, Governor George S. Mickelson and seven others were killed in a plane crash while on an economic development mission for the state. A few weeks later, a riot erupted at the state penitentiary.

While in Pierre, the legislature appropriated funds to purchase a new state aircraft, cover the costs surrounding the transition to a new

governor, and repair the damages sustained during the prison disturbance. They also authorized a memorial to be built in honor of those who died in the plane crash.

July 11-12, 1994

A Supreme Court decision with enormous economic implications precipitated this special session. The South Dakota Supreme Court ruled that the video lottery enacted by the South Dakota Legislature in 1989 was unconstitutional. It was a decision that, in essence, stripped the state of its second largest source of revenue, and left a shortfall in its general fund approaching \$65,000,000 for FY 95.

In response, the legislature placed a constitutional amendment on the November ballot to authorize video lottery. They gave the Governor the authority to transfer certain funds from the budget reserve fund to the general fund, if necessary, and authorized local governments to amend their budgets and property tax levies to replace lost video lottery revenue.

September 9, 1994

This special session stemmed from yet another court decision. Once the revenue from the video lottery stopped flowing, the Governor made several cuts in the state's budget. In turn, the counties of South Dakota got together and filed a lawsuit against the state. They contended the Governor lacked the constitutional authority to make the cuts, and a circuit court judge ruled in their favor. The revenue shortfall suddenly became the Legislature's problem, and the Governor called them together to address it.

The Legislature responded by repealing several special appropriations measures which were passed during the regular session in 1994. In addition, they amended the general appropriations bill by reducing the amounts of money allocated to various state agencies, and approved the transfer of money from both the budget reserve fund and the lottery fund to the general fund.

The role of special sessions in this state has evolved over the years. During the early years when regular sessions were not held annually, special sessions were sometimes

needed just to carry on normal state business. In later years, they generally responded to national events such as world wars or economic depression. In recent years, most of them have focused on urgent state needs such as rail transportation or funding for prison repairs or to cover a revenue shortfall in the state's budget. Special sessions in South Dakota have not occurred frequently, as they do in many other states. They have, however, been used more often in the 1980s and 1990s than in the past several decades.

This issue memorandum was originally written in 1984 by Patricia Summerside, then Reference Librarian for the Legislative Research Council. It was updated in 1994 by Clare Cholik, Legislative Librarian for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
