

Committee: House Local Government

Thursday, February 10, 2022 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Cwach, Rep. Drury, Rep. Lana Greenfield, Rep. Hoffman, Rep. Chris Johnson, Rep. Mortenson, Rep. Olson, Rep. Reed, Rep. Thomason, Rep. Weisgram, Rep. Jamison, and Rep. York

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative York

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 08TH

Moved by: Reed
Second by: Mortenson
Action: Prevailed by voice vote

HB 1332 : allow persons moving from certain municipal zones to retain property assessments from original homes.

Presented by: Representative John Mills, District 4
Opponents: Wendy Semmler, Department of Revenue
Nathan Sanderson, South Dakota Retailers Association, Pierre

MOTION: DEFER HB 1332 TO THE 41ST LEGISLATIVE DAY

Moved by: Drury
Second by: Mortenson
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Barthel, Cwach, Drury, Lana Greenfield, Hoffman, Chris Johnson, Mortenson, Olson, Reed, Thomason, Weisgram, Jamison, and York

SB 138 : clarify provisions related to filing a petition to refer an ordinance or resolution.

Presented by: Senator Helene Duhamel, District 32
Proponents: Eric Erickson, South Dakota Association of County Commissioners, Pierre

MOTION: DO PASS SB 138

Moved by: Drury
Second by: Chris Johnson
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Barthel, Cwach, Drury, Lana Greenfield, Hoffman, Chris Johnson, Mortenson, Olson, Reed, Thomason, Weisgram, Jamison, and York

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 138 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1087 : revise certain provisions regarding records that are not open to inspection and copying.

Presented by: Representative Tim Reed, District 7

Proponents: David Bordewyk, South Dakota Newspaper Association, Brookings

MOTION: AMEND HB 1087

1087A

On page 1, line 2, of the Introduced bill, after "copying" insert " and deliberations in an executive or closed meeting"

On page 2, line 16, of the Introduced bill, delete " specific to" and insert " including"

On page 4, after line 33, of the Introduced bill, insert: "

Section 2. That § 1-25-2 be AMENDED:

1-25-2. Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;
- (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
- (5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or
- (6) Discussing information ~~listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17)~~ pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations; and

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning ~~such the matters pursuant to this section~~ shall be made at an open official meeting. An executive or closed meeting ~~shall~~ must

be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor."

Moved by: Mortenson
Second by: Hoffman
Action: Prevailed by voice vote

MOTION: AMEND HB 1087

1087C

On the previously adopted amendment (1087A), On page 5, line 26, after "combinations;" delete "and"

Moved by: Mortenson
Second by: Lana Greenfield
Action: Prevailed by voice vote

MOTION: DO PASS HB 1087 AS AMENDED

Moved by: Olson
Second by: Mortenson
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Barthel, Cwach, Drury, Lana Greenfield, Hoffman, Chris Johnson, Mortenson, Olson, Reed, Thomason, Weisgram, Jamison, and York

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1087 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Olson
Second by: Chris Johnson
Action: Prevailed by voice vote

Jean Denton, Committee Secretary

/s/ NANCY YORK
Nancy York, Chair