

MINUTES

Executive Board



Senator Lee Schoenbeck, Vice Chair
Representative Spencer Gosch, Chair
Senator Troy Heinert, Ranking Minority Member

First Meeting
Tuesday, January 11, 2022

Room 414 – State Capitol
Pierre, South Dakota

Senator Schoenbeck called the meeting to order at 3:30 p.m. in Room 414 of the State Capitol, Pierre.

A quorum was determined with the following members answering the roll call: Senators Gary Cammack, Mary Duvall, Jim Stalzer, and Erin Tobin; Representatives Hugh Bartels, Roger Chase, Mike Derby, Trish Ladner, Ernie Otten, Kent Peterson, and Jamie Smith; Senator Troy Heinert, Ranking Minority Member; and Senator Lee Schoenbeck, Chair. Excused: Senators Troy Heinert and Ryan Maher; Representative Spencer Gosch.

Staff members present included Reed Holwegner, Director; Justin Goetz, Chief Research Analyst; John McCullough, Code Counsel; and Cindy Tryon, Administrative Specialist.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office. This meeting was webcast live. The archived webcast is available at the LRC website at sdlegislature.gov.

Process for Implementing Article III, § 31, of the South Dakota Constitution

Senator Schoenbeck called for comments or action regarding the process for petitioning the legislature for a special session.

Senator Duvall moved, seconded by Representative Chase, that a written request petition made by a member for a special session and the member's signature supporting the written request petition is a public record. Motion prevailed on a roll call vote with 11 voting AYE; 1 voting NAY; 3 EXCUSED. Voting AYE: Cammack, Duvall, Stalzer, Tobin, Bartels, Chase, Derby, Otten, Peterson, Smith, and Schoenbeck. Voting NAY: Ladner. EXCUSED: Maher, Heinert, and Gosch.

The Chair recognized **Mr. David Bordewyk, SD Newspaper Association, Brookings**, who said the SD Newspaper Association supports Senator Duvall's motion. Mr. Bordewyk said this change in policy is a good clarifier moving forward.

Representative Ladner said if legislators are considering a special session, such correspondence should be honored as being confidential. Members should have notice of what is or is not public.

Senator Schoenbeck said this change to the special session petition procedure will be the policy of the Legislature.

Executive Session

Representative Bartels moved, seconded by Senator Cammack, that the Executive Board go into executive session to discuss items relating to litigation. Motion prevailed on a voice vote.

The Executive Board went into executive session at 3:35 p.m.

Senator Stalzer moved, seconded by Representative Smith, that the Executive Board come out of executive session and that the record reflect no action was taken. Motion prevailed on a voice vote.

The Executive Board came out of executive session at 3:43 p.m.

Committee Discussion

Senator Schoenbeck talked about various options for petitioning a special session.

Mr. Reed Holwegner, Director, said if the consensus of the Board is that a pending request for a special session ends with the start of a regular session, then the LRC could have a policy and will use it as a future guideline.

Mr. Justin Goetz, Chief Research Analyst, and Mr. John McCullough, Code Counsel, agreed with Mr. Holwegner's comments on a policy regarding ending requests for special sessions.

Senator Stalzer moved, seconded by Senator Duvall, that if the total number of written request petitions for a special session received by the presiding officer by the start of a regular session of the South Dakota Legislature have not met the minimum constitutional requirement needed to be able to convene a special session, the written request petitions received are void. Motion prevailed on a roll call vote with 12 voting AYE; 3 EXCUSED. Voting AYE: Cammack, Duvall, Stalzer, Tobin, Bartels, Chase, Derby, Ladner, Otten, Peterson, Smith, and Schoenbeck. EXCUSED: Maher, Heinert, and Gosch.

Representative Bartels asked if a written request petition is sent out electronically could there be a way for a legislator to dispose, decline, or ignore it so the written request petition can be cleared out of the tasks.

Mr. Holwegner said new features to the Lawmaker system would be appropriate.

Mr. Goetz asked if there should also be a reconsideration functionality so the petition could return to the task bar.

Representative Bartels explained a piece of paper can be laid off to the side of one's desk and ignored until needed. He continued saying that when asked electronically to sponsor a bill there is the option to ignore and then change one's mind later; it would be nice to have that option when asked to sign a special session petition.

Representative Bartels moved, seconded by Representative Smith, to direct LRC staff to include additional functionality in the electronic process of the Lawmaker system to call a special session that would allow legislators to decline and reconsider written request petitions. Motion prevailed on a roll call vote with 12 voting AYE; 3 EXCUSED. Voting AYE: Cammack, Duvall, Stalzer, Tobin, Bartels, Chase, Derby, Ladner, Otten, Peterson, Smith, and Schoenbeck. EXCUSED: Maher, Heinert, and Gosch.

Mr. Holwegner stated it may take some time before being able to administer and execute these policies, due to the LRC staffing a regular session and a special session simultaneously.

Adjourn

Representative Chase moved, seconded by Senator Stalzer, the Executive Board adjourn. Motion prevailed on a voice vote.

The Executive Board adjourned at 3:53 p.m.