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Proposed Amendment: Length of Legislative Sessions



Cooperative Extension Service
South Dakota State University
U.S. Department of Agriculture

Proposed Amendment:

Length of Legislative Sessions

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A South Dakota legislator is elected for a 2-year term; this covers two legislative sessions in Pierre. The proposed change in the state Constitution would not change this; however it would equalize the length of

the two sessions.

The proposed amendment changes the wording of Sections 6 and 7 of Article III of the Constitution.

Article III, Sections 6 and 7

Proposed amendment

Section 6. The terms of office of the members of the legislature shall be two years; they shall receive for their services the salary fixed by law under the provisions of Section 2 of Article XXI of this Constitution.*

A regular session of the legislature shall be held in each year and shall not exceed forty legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment, and members of the Legislature shall receive no other pay or perquisites except salary and mileage.

Section 7. The legislature shall meet at the seat of government on the second Tuesday after the first Monday of January at 12 o'clock m. and at no other time except as provided by this Constitution.

Present Wording

Section 6. The terms of office of the members of the legislature shall be two years; they shall receive for their services the salary fixed by law under the provisions of Section 2 of Article XXI of this Constitution,* and five cents for every mile of necessary travel in going to and returning from the place of meeting of the legislature on the most usual route.

A regular session of the legislature shall be held in each odd numbered year and shall not exceed forty-five legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment, and members of the legislature shall receive no other pay or perquisites except salary and mileage.

A regular session of the legislature shall be held in each even-numbered year beginning with the year 1964 and shall not exceed thirty legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment and members of the legislature shall receive no other pay or perquisites except salary and mileage.

Section 7. The legislature shall meet at the seat of government on the first Tuesday after the first Monday of January at 12 o'clock m. in the year 1963 and in the year 1964 and each even-numbered year thereafter, and on the first Tuesday after the third Monday of January at 12 o'clock m. in the year 1965 and each odd-numbered year thereafter, and at no other time as provided by this Constitution.

Analysis

The proposed changes are:

- 1) the 5 cents per mile allowance is removed.
- 2) there will be two regular sessions of 40 legislative days instead of the present alternating 30- and 45-day sessions.
- 3) the Legislature will meet on the second Tuesday after the first Monday in January each year instead of the present first Tuesday after the first Monday in even-numbered years and the third Tuesday after the first Monday in odd-numbered years.

Mileage

The mileage rate of 5 cents per mile is obsolete. The Internal Revenue Service allows 17 cents per mile deduction for business travel. The rate for state employee use of private auto for official travel is presently 16 cents per mile. The state Board of Finance periodically establishes mileage allowance limits for

state employee travel, taking into account changes in costs of operating a private auto.

A law passed in 1976 and amended in 1978 allows one trip home and back to Pierre per week at the mileage rate set by the state Board of Finance. For their first trip to Pierre and their last trip home they receive the 5 cents per mile stipulated in the Constitution.

Length of legislative session

The present 30- and 45-day sessions were practical when state government operated on a biennial budget. The longer session was used to work on the budget for the ensuing 2-year period. Only minor adjustments were considered during the 30-day session.

In recent years state government has operated on an annual budget basis. Legislators have complained that they do not have enough time during the 30-day session to consider both the budget and the mounting number of other bills. At the present time there is little justification for alternating sessions of unequal length.

*Section 2 of Article XXI provides that the legislature may set the salary of its members by a 2/3 affirmative vote in each house.

Whether two 40-day sessions are too many legislative days or too few is an open question. Some would argue that many good bills die in committee because there just isn't time to hold hearings and consider all of them. They argue that legislators spend too much time amending laws passed in previous sessions because they must pass bills too hastily.

The counter argument is that, if the sessions are longer, the legislators will offer more bills to consider. Legislators will always operate under pressure of too little time. Additional time will result in additional work load. If the sessions are kept short, marginal bills won't be introduced. Legislators may exercise more constraint and introduce only those measures essential for the needs of the people.

The two 40-day sessions proposal is a compromise between the above two arguments. The proposed amendment provides for 5 more legislative days in the 2-year period.

Starting Date

The different beginning dates (the 45-day session starts 2 weeks later than the 30-day) of the two sessions had one chief purpose.

When state government operated on the biennial budget the extra 2 weeks gave a new administration additional time for the inauguration and to review and make changes in the budget. The proposed amendment sets the beginning date for both sessions on the second Tuesday after the first Monday in January instead of the first and third Tuesdays after the first Monday. It is intended to be a compromise between the two dates.

Summary

The changes proposed in the Constitution are designed to smooth the operation of the legislative process. State government change from the biennial to annual budget procedure has eliminated the primary need for alternating sessions of unequal length.

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