

May 25, 2018

A Look Back at the Legislative Session

An Oddity – “and to Declare an Emergency”

Laws in effect since the day they were signed by the Governor

There were 535 bills introduced during the 2018 Legislative Session; of those, 287 passed both the Senate and House of Representatives and were signed by the Governor. Of those signed by the Governor, 252 will become law on July the 1st. The other 35 bills became law as soon as the Governor signed them.

Each of the 35 bills (12% of total) that have already been law for nearly three months included the phrase “and to declare an emergency” in the text of the bill and included in the title. One example of the use of an emergency clause is Senate Bill 28 which appropriated money to pay for putting out the wildfires in Custer State Park last fall.

SB 28 appropriated \$766,157 to the state fire suppression special revenue fund to pay the costs of suppressing those fires. To become effective immediately, the bill contained the following phrase “ **Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval**’.

Super-Majority Needed. When a bill contains an emergency clause, it must pass the Legislature with a two thirds majority of both the House and Senate. A two thirds majority vote takes 47 (of 70) votes in the House of Representatives and 24 (of 35) votes in the Senate.

What were the bills that had the emergency clause and became law upon being signed?

Nine were Appropriations bills, including:

- Funds for VA cemetery in Sioux Falls
- Wildfire Suppression
- Transfers from several use funds to departments for use
- Tax refund for disabled and elderly

Eight were for Board of Regents and the University System, including:

- Cyber Lab at Dakota State University
- Precision Agriculture Laboratory at SDSU
- Sports facilities at USD and Northern State
- Several land purchases in Meade and Brown counties

Three Special Construction Projects, including:

- National Guard Center in Rapid City
- Relocation of the School for the Blind

Fourteen General Laws, including:

- Background checks for physicians
- Regulations of political parties
- Marsy’s law election – during the primary
- Update conceal carry laws
- Challenges to petition signatures

- Use of alcohol in confections (aka – “boozy cupcakes”).
These “emergencies” may not warrant calling in the Justice League or the Avengers but the issues are important and urgent. These bills seem to provide evidence that making laws effective immediately is a power that is used sparingly by the Legislative leadership working with the Governor’s office.

Thank you for your support of the South Dakota Chamber of Commerce & Industry.