

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

273T0042

HOUSE BILL NO. 1142

Introduced by: Representatives Nelson (Stace), Hubbel, Kloucek, Kopp, Miller, Olson (Betty), Russell, and Tornow and Senator Begalka

1 FOR AN ACT ENTITLED, An Act to protect the access of legislators to staff services and the
2 maintenance of appropriate legislative confidentiality and to provide penalties for the
3 violation thereof.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 2-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Neither the Executive Board of the Legislative Research Council, the director of the
8 Legislative Research Council, nor the elected officers of the legislative bodies may, by any
9 protocol, rule, order, or policy, discriminate against any legislator with regard to access to, or
10 the legislator's relationship with, the Legislative Research Council staff or to the session
11 employees in an attempt to deny appropriate staffing services to any legislator to the same
12 extent, quality, and degree of timeliness that are available to all other legislators, nor may the
13 essential quality of the legislator-staff relationship be infringed. Any legislator aggrieved by a
14 violation of this section may request, and shall be granted, the establishment of a Select
15 Committee on Discipline and Expulsion to investigate the matter in a just and timely manner



1 and to take such action as may be warranted.

2 Section 2. That chapter 2-9 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 All bill drafting requests and research requests are confidential unless or until any bill draft
5 becomes public knowledge by introduction, circulation for sponsorship, media coverage,
6 legislative discussion, or other means authorized by the legislator who made the request. No
7 Legislative Research Council staff person may breach confidentiality concerning any bill
8 drafting request or research request except to the extent authorized to do so by the requesting
9 legislator. However, the Legislative Research Council staff person may advise the requesting
10 legislator that there may be good and sufficient reason why the legislator might wish to waive
11 confidentiality in a particular circumstance and especially in cases where maintenance of strict
12 confidentiality might result in embarrassment to the legislator or the Legislature.

13 It is not a breach of confidentiality for any Legislative Research Council staff person to
14 discuss a legislator's bill drafting request or research request with another Legislative Research
15 Council staff person if the request is not made known to any person or entity outside of the
16 Legislative Research Council, including any other legislator and any member or officer of the
17 Executive Board of the Legislative Research Council. Any inquiry to a Legislative Research
18 Council staff person concerning a legislator's confidential bill drafting request or research
19 request is not confidential and shall be immediately reported in writing to the legislator.

20 Any Legislative Research Council staff person who knowingly and willfully breaches a
21 legislator's confidentiality in violation of this section shall be terminated from employment.