

# Legislator Reference Book



2019 – 2020 Term

Revised December 2018



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# Chapter 1

## THE SOUTH DAKOTA LEGISLATURE



### SIZE AND APPORTIONMENT

The South Dakota Legislature is bicameral, consisting of a Senate, comprised of 35 members, and a House of Representatives with 70 members.

The state constitution provides that the Senate shall consist of not fewer than 25 nor more than 35 members and that the House shall consist of not fewer than 50 nor more than 75 members. It also directs the Legislature to redistrict its membership once every ten years in accordance with the latest federal census. In 2006 after litigation under the Federal Voting Rights Act, a Federal Judge created a second single-member House district within District 26 and re-drew the boundaries of Districts 21 and 27. The last legislative reapportionment occurred in October 2011. The Legislature will again reapportion in 2021.

Article III, § 5 of the South Dakota Constitution provides for legislative reapportionment.

AN APPORTIONMENT SHALL BE MADE BY THE LEGISLATURE IN 1983 AND IN 1991, AND EVERY TEN YEARS AFTER 1991. SUCH APPORTIONMENT SHALL BE ACCOMPLISHED BY DECEMBER FIRST OF THE YEAR IN WHICH THE APPORTIONMENT IS REQUIRED. IF ANY LEGISLATURE WHOSE DUTY IT IS TO MAKE AN APPORTIONMENT SHALL FAIL TO MAKE THE SAME AS HEREIN PROVIDED, IT SHALL BE THE DUTY OF THE SUPREME COURT WITHIN NINETY DAYS TO MAKE SUCH APPORTIONMENT.

### LEGISLATIVE SESSIONS

#### Regular Sessions

The state constitution specifies the length of annual legislative sessions at the seat of government. The Legislature meets for a maximum of 40 legislative days beginning on the second Tuesday of January. An Amendment to Article III, § 6 establishing a uniform maximum length for all legislative sessions was passed by popular vote in the 2008 election. Legislative days do not include Sundays, holidays, or days of legislative recess. The term "legislative days" is not specifically defined in the constitution or by statute, although it has been general practice in the Legislature that a legislative day is any day during which the Legislature holds a formal session. In recent years, it has become a common practice to save one or two legislative days at the end of the session.

This allows the Legislature to reconvene about two weeks later to consider gubernatorial vetoes and emergency measures.

### **Special Sessions**

In 1990, the voters agreed to a constitutional change that allows the Legislature to call itself into special session. The Governor's authority has not been changed; however, in addition to that method, the Legislature through a petition of two-thirds of its membership may convene a special session. Article IV of the constitution gives the Governor authority to convene the Legislature or either of its houses in a special session. Only the business encompassed in the Governor's proclamation, or the legislative petition, can be transacted in a special session. Two special sessions were held during the last term of the Legislature. The first, in June 2017, dealt with the issue of nonmeandered waters, while the second, in September 2018, was a result of the U.S. Supreme Court's *South Dakota v. Wayfair* case, and pertained to sales tax collections by remote sellers.

## **LEGISLATIVE QUALIFICATIONS AND DUTIES**

### **Qualifications**

Each state senator and representative must be at least twenty-one years of age, a United States citizen, a resident of the state for the two years just prior to election, and a qualified elector in the legislative district from which elected.

### **Terms and Vacancies**

The term of office for both senators and representatives is two years. A senator or representative may not serve more than four consecutive terms (eight years) as a senator or as a representative, respectively. These limitations were effective for terms beginning after January 1, 1993.

Resignations are submitted to the presiding officer or, when the Legislature is not in session, to the Governor. The constitution provides that the Governor shall make appointments to fill any vacancies which may occur in either house of the Legislature between general elections.

### **Legislative Immunity**

Legislators are granted full immunity for any statements made in any speech or debate in either house of the Legislature.

## **LEGISLATIVE COMPENSATION AND TRAVEL**

### **Leave of Absence from Employment**

South Dakota law (SDCL § 2-4-1.1) requires employers to grant a temporary leave of absence without loss of job status or seniority to any of their employees who are members of the Legislature. The leave of absence can be with or without pay, at the discretion of the employer.

## **Legislative Session Compensation**

A legislator's salary is equal to one-fifth of the most recent figure for South Dakota median household income, according to the U.S. Census *Current Population Survey*, as ascertained by the Board of Finance. For the 2019 legislative session, this amount will be \$11,378.80. This amount will be spread equally across the five regular state payroll days that fall during session (the 1<sup>st</sup> and the 16<sup>th</sup>, unless those days fall on a weekend or holiday). The state of South Dakota implemented mandatory direct deposit of payroll checks in January, 2004, as a way to cut costs and improve efficiency.

Legislators are also paid \$149 per legislative day prepaid living expenses, including meals and lodging, laundry, cleaning and pressing of clothing, and all other uncompensated expenses as defined in SDCL § 2-4-2.1. The first payment will be made prior to the first week of the legislative session and will also be direct deposited. The second payment will be direct deposited at the end of session. A schedule of payment dates will be provided at the *New Legislator Orientation* meeting.

After session, you will be paid for each weekend you traveled to your home and for your trip to Pierre for the final legislative day. One trip will be paid at .05 cents/mile as per the constitution, and the remaining trips will be paid at the state rate of \$0.42/mile by the most direct route from the Capitol to your home, actual air fare or air charter, whichever is less. Forms to request travel reimbursement will be provided to you during the last week of session.

## **Special Session**

For each day's attendance at a special session, in addition to mileage and the \$149 living expenses, each member will receive a per diem calculated by the director of the Legislative Research Council equal to the normal daily compensation for the regular session immediately preceding the special session.

## **Interim Travel Expenses**

The State Auditor requires that all state-paid or reimbursed travel be pre-approved by the appropriate authority. In the case of legislators, this authority is vested by SDCL 2-9-4 in the Speaker of the House for Representatives, and the Senate President Pro Tempore for Senators. In the interest of maintaining a uniform process, it has been the practice for the Speaker and Pro Tem to set policies for legislative travel at the beginning of each interim. All legislators are notified of the policy and request process.

Membership on interim committees is chosen by the Executive Board of the Legislative Research Council.

A salary of \$149 for each day of a scheduled interim meeting will be paid on the next regular payroll day following the meeting.

Travel reimbursement for attendees at interim committees and LRC meetings will be paid with approval at regular state rates as follows:

- Auto mileage will be paid at the state rate of \$0.42/mile (no receipt required).

- Commercial and charter air travel will be reimbursed at the lesser of the auto mileage rate or air rate.
- Lodging will be reimbursed at the in-state rate of \$55.00 plus tax per night from 9/1-5/31, and \$70.00 plus tax per night from 6/1-8/31, **provided you furnish an original receipt with a zero balance**. If you share a room with another legislator, you must ask the motel to split the charge so that each of you have an original receipt.
- Meals will be reimbursed at the state rate of:

Breakfast	\$ 6.00	(Must leave home by 5:30a)
Lunch	\$11.00	(Must leave by 11:30a or return after 12:59p)
Dinner	\$15.00	(Must leave by 5:30p or return after 7:59p)

The maximum total daily meal rate is \$32.00. An LRC Travel Expense Information form will be furnished to you at the beginning of each interim meeting and should be turned in to the LRC secretary or staff member before you leave. **All information in bold print must be completed and the perjury statement must be signed in order for your reimbursement to be processed.**

If you are asked to serve on a committee or task force that is not staffed by LRC, please contact LRC regarding eligibility for travel reimbursement, and by whom.

### Out-of-State Travel Expenses

**All out-of-state travel MUST be pre-approved by the Speaker of the House for Representatives, and by the President Pro Tempore for Senators.**

Legislators may be selected by leadership to attend national or regional meetings or travel to various events or seminars of legislative importance. LRC will reimburse you for your out-of-state travel expenses once the following are completed:

1. **Completed Travel Information Form** - A LRC "Travel Expense Information" form will be sent to you. All information in bold print must be completed and the perjury statement must be signed.
2. **Original lodging receipt (must show a zero balance)** - If traveling with another person and staying at a hotel or motel that is not part of the conference, you must ask the clerk to note the single rate on your receipt.
3. **Passenger receipt copy of airline ticket** - You must provide a copy of your passenger receipt whether you used your own travel agent, on-line reservations, or if LRC made your airline reservation.
4. **Auto Mileage** - Allowable vehicle mileage for out-of-state travel may not exceed the cost of the most economical airfare available. You would also be allowed meals and lodging up to a maximum of two days each way.



5. **Agenda attached** - (Exception--if the meeting is sponsored by NCSL or CSG, and the agenda is available on the internet, you will not need to send a copy to LRC.)
6. **Receipts for taxi fares over \$5.00** - If the taxi fare is over \$5 per ride, you must provide a receipt. (Tips are not reimbursed.)
7. **Receipts for taxi fares under \$5.00** - No receipt is required; however, each taxi fare should be listed separately by date on the travel expense information form under "Comments".
8. **Airport parking receipt.**
9. **Registration receipt** - only if you paid the registration fee.
10. **Meals are paid at the current out-of-state rate** - no receipts required.

**All travel reimbursement requests must be submitted to LRC for processing within 30 days from the day you return from travel.** Travel payments will be direct deposited within 30 days of receipt of a **completed travel information sheet and all the necessary receipts.**

If you have any questions about reimbursements, please feel free to call Kris Schneider at 773-4305.

## **ORGANIZATION OF LEGISLATURE FOR BUSINESS**

### **Pre-session Legislative Organizational Activity**

Following the November general election, the existing leadership within each political party calls for separate party caucuses of those persons elected from each party to serve in the upcoming legislative session. The legislators-elect are asked to select a leader, an assistant leader, and one or more whips for the next session. If the party appears to have a majority in either or both houses of the Legislature, it will also propose nominees for officers of each body, as appropriate, to be officially elected at the start of the legislative session. These nominees are for Speaker of the House, Speaker Pro Tempore, and President Pro Tempore of the Senate. The caucus may also discuss any legislative program on which the party may wish to take a position during the legislative session. In addition, the elected leadership may wish to request standing committee appointment preferences from members of its party in the respective houses.

### **First Day of the Regular Session**

The legislative session convenes at 12:00 noon on the second Tuesday in January, as provided in the constitution. One of the first orders of business is to elect new presiding officers for the two houses. The Secretary of State presides in the House of Representatives until the Speaker is chosen. The other officers and employees of the two houses are then elected or named, and take their oaths of office. The two bodies convene in a joint session in the chamber of the House of Representatives to receive the Governor's State of the State Address and recommended legislative program.

Following the joint session, standing committee appointments are announced by the presiding officers. Pre-filed bills and resolutions are introduced and referred to committees.

### **Presiding Officers, Other Officers, and Employees**

Each house of the Legislature, as provided in the constitution, has a presiding officer. Presiding in the House of Representatives is the Speaker of the House, and the Lieutenant Governor presides as President of the Senate. The Senate elects from its membership the President Pro Tempore, and the House elects the Speaker Pro Tempore to preside in the absence or disability of the President or Speaker. However, the presiding officer may from time to time call upon any member to preside.

The constitution provides that each house shall choose its own officers and employees. In addition to the presiding officers, the officers elected by the two bodies are the Chief Clerk of the House of Representatives and the Secretary of the Senate. Other appointed employees include assistants to the Chief Clerk and Secretary, secretaries, sergeants-at-arms, assistant sergeants-at-arms, documents clerk, and pages. These persons are appointed by the presiding officers as provided in the rules of the two houses. **(Organizational charts for session employees are found later in this chapter.)**

### **Rules of Procedure**

The method of conducting the business of each house of the Legislature is governed by the United States Constitution, state constitution, *South Dakota Codified Laws*, laws contained in the session laws not printed in the code, Joint Rules of the Senate and House, the Senate and House Rules, and custom.

*Mason's Manual of Legislative Procedure* is the official guide in interpreting parliamentary law unless otherwise specifically provided in the joint rules or rules of the bodies. The joint rules are the most frequently used source of reference.

### **Daily Routine**

Standing committees of the Senate and House of Representatives meet each day of the legislative session. Meetings generally begin at 7:45 a.m. and last until the daily session begins in the afternoon. Most committees meet from one to two hours, two days per week. Committees also sometimes meet at predetermined times in the afternoon or evening after the daily floor session.

Legislative party caucuses are usually held immediately preceding the call to order in daily session. At caucuses, party strategy on various issues facing the legislative body is discussed and the daily calendar is reviewed. The daily session generally begins at 2:00 p.m. (CT). All floor sessions are webcast live by South Dakota Public Broadcasting (SDPB) and also archived for later access.

The political party mechanism serves as a major tool for organizing the body and filtering legislative proposals. It is through the party that the leadership is chosen and through the leadership that many of the crucial decisions are made. Issues develop within this structure and the party leadership ascertains the views of the membership and the possible need for a concerted stand on a given matter. The caucus also provides the members with an opportunity to express, in an informal manner, their opinions on a

particular proposal. Recesses during the floor session for party caucuses are occasionally taken.

### **Calendar**

The calendar committee in each house, which consists of the presiding officer, the Majority Leader, and the Minority Leader, determines the daily legislative calendar. The Chief Clerk of the House and the Secretary of the Senate prepare the daily legislative calendars. The purpose of the calendar is to inform members of the Legislature and other interested persons of the motions and resolutions, committee reports, second reading of bills and resolutions, and consent calendar bills and resolutions to be considered. The House and Senate calendars are posted at the Legislature's home page on the Internet.

### **Voting Procedure – Types of Majorities**

The members of each house express their will or opinion regarding the business placed before them by means of voting. If a legislator is on the floor, he may not abstain from voting when a question is put to a vote.

A majority of the members-elect of each house is necessary to transact business, but a smaller number may adjourn from day to day or may compel the attendance of absent members. There are several methods of taking votes. A roll call vote requires that each member's vote be recorded individually; this vote is required, in most instances, to be recorded in the journals. In the Senate, a roll call vote is taken by calling out the name of each member and the member answering in the affirmative ("aye", "yea", or "yes") or in the negative ("nay" or "no"). The roll call vote is taken by an electronic voting recorder in the House, which not only displays how each member voted but also tallies and records the vote on ballot sheets containing the members' names. Votes are not displayed until all members present have voted.

A voice vote is expressed by saying either "aye" or "nay" when a question has been put and is an uncounted vote. In these instances, when the presiding officer is in doubt as to who is in the majority, he can ask for a show of hands, ask the members to stand, or call for a roll call. One-sixth of the members present in the Senate or House may demand that a roll call vote be taken on any question.

Certain majorities, depending on the question, are required by the constitution and the legislative rules. Those majorities set forth in the constitution are customarily referred to as "constitutional majorities" and are as follows:

- A majority vote of the members-elect is required on the final passage of any bill to become a law;
- A majority vote of the members-elect is required on the final passage of the general appropriation bill;
- A majority vote of the members-elect is required to propose, by a joint resolution, a constitutional measure or to propose amendments or repeal of an existing constitutional section;
- A two-thirds majority of the members-elect is required to pass a special appropriation bill;

- A two-thirds majority of the members-elect is required to approve a bill containing an emergency clause;
- A two-thirds majority vote of the members-elect of both houses is required to override a gubernatorial veto, other than Style and Form vetoes; and
- A two-thirds majority vote of the members-elect of both houses is required to increase existing taxes or to impose a new tax.

All motions of final disposition require a roll call vote, and the results must be recorded in the respective daily journals to conform with constitutional requirements or rules of the Legislature.

The rules of each house set forth the type of vote required for various procedural matters. **(Several of the more common motions are attached as Appendix II.)** Other motions may be found in the *Official Directory and Rules of the Senate and House of Representatives and Joint Rules of the Senate and House ("Red Book")*, printed for each session, or in the rules printed in the daily journals. (See Chapter 3 for the complete text of all legislative rules.)

### **Motions – Voting Requirements**

A motion may be made by any member of the Legislature and requires a second before any other action on it may be taken. A motion cannot be withdrawn after the presiding officer restates it unless all members agree. The various motions, in order of precedence, are:

- |  |                                       |
|--|---------------------------------------|
| (1) <b>To adjourn; (nondebatable)</b>                    | (6) <b>To defer indefinitely;</b>     |
| (2) <b>To recess;</b>                                    | (7) <b>To defer to a day certain;</b> |
| (3) <b>For a call of the House;</b>                      | (8) <b>To refer to committee;</b>     |
| (4) <b>To lay on the table; (nondebatable)</b>           | (9) <b>To amend.</b>                  |
| (5) <b>To call the previous question; (nondebatable)</b> |                                       |

## **COMMITTEE SYSTEM**

### **Procedure**

Every legislature divides itself into committees in order to make a systematic study of proposals placed before it. Proposals for legislation are so numerous and varied that examination by the full body would exceed the time available. It becomes a necessity, therefore, that small groups of each legislative body, the committees, be formed to carry on most of the deliberative work required of a policymaking body.

Each house has two general classifications of committees. The committees that process bills are called either standing or conference committees. The other committees are procedural or select committees. These latter committees are charged with the duties of general housekeeping functions and procedural matters for each chamber. The committee structure in both houses of the Legislature is nearly identical. In 1891, there were 34 standing committees in each house. In the 1930s and 1940s, there were more

than 50 committees in each house. The number of standing committees in the House of Representatives has remained at thirteen since 1982, while the Senate added a fourteenth standing committee – Military and Veterans Affairs – in 2018.

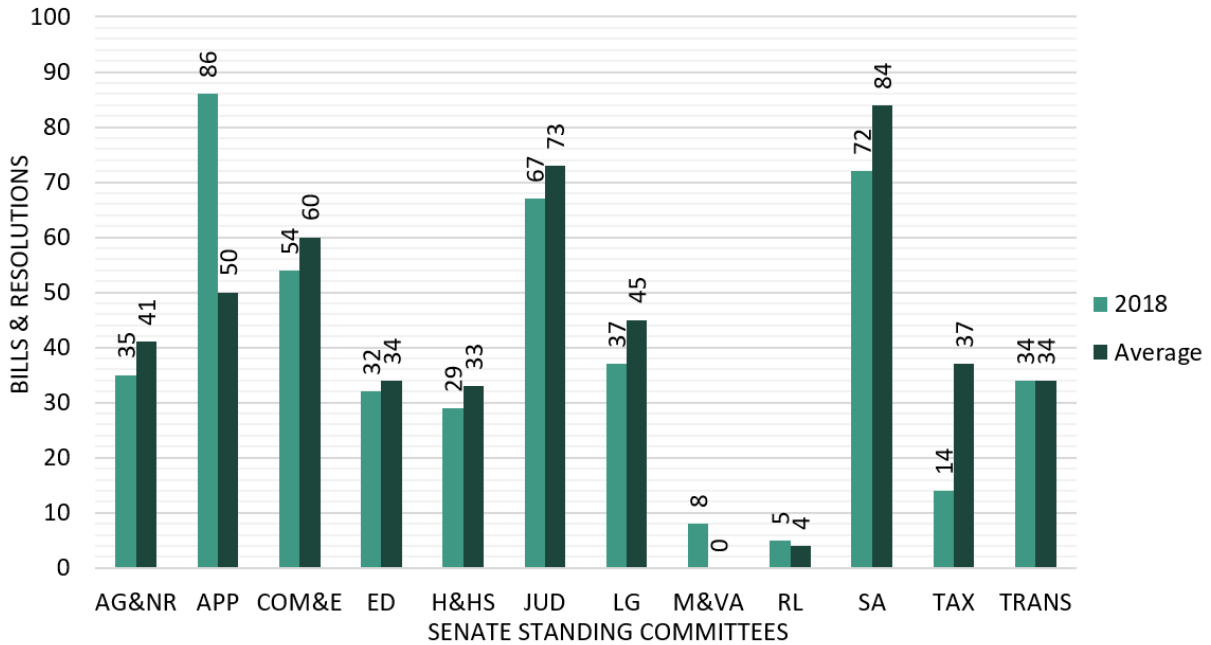
### Standing Committees

The following is a list of standing committees and their traditional subject areas:

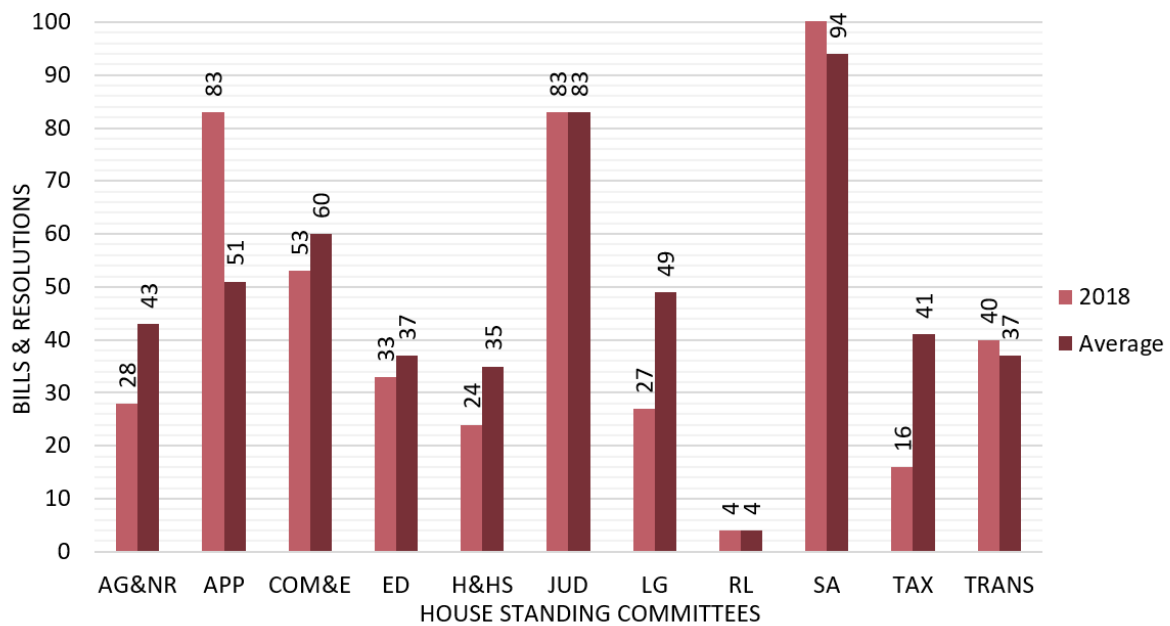
<b>COMMITTEE</b>	<b>SUBJECT AREAS</b>
<b><i>Agriculture and Natural Resources</i></b>	Bills relating to the production and distribution of agricultural products; soil conservation; animals and livestock; the state fair; regulation of grain elevators, pesticide and fertilizer dealers and livestock auctions; and brand inspection. Bills relating to game, fish and parks; mining; water development and irrigation; forestry; environmental protection; energy conservation; trespass laws; and nuclear waste disposal.
<b><i>Appropriations</i></b>	The general appropriation bill, which contains the budgets of all departments of state government; all bills for special appropriation of state revenues; and bills relating to the appropriation process.
<b><i>Commerce and Energy</i></b>	Bills relating to insurance; banking; investment; loans and interest; labor; liquor; mercantile transactions; regulation of professions and occupations engaged in commerce; Uniform Commercial Code; OSHA; corporations; property; litter; and minimum wage.
<b><i>Education</i></b>	Bills relating to the school districts; the finance, operations, and curriculum of public schools; the teaching profession; special education; higher education; the board of regents; the department of education; and vocational-technical education.
<b><i>Government Operations and Audit (GOAC)</i></b>	Bills relating to legislative auditing of state and local government departments and agencies; oversight of juvenile corrections monitoring.
<b><i>Health and Human Services</i></b>	Bills relating to health matters; mental illness; drugs; chemical dependency; the aged or disabled; the medical and nursing professions; medical malpractice; welfare assistance; regulation of hospitals and nursing homes; state institutions for the mentally ill, visually impaired, hearing disabled, or mentally challenged; spousal abuse; and abortion.
<b><i>Judiciary</i></b>	Bills relating to the courts and court administration; the legal professions; crimes; criminal procedure; law enforcement; personal rights; civil law and procedure; domestic relations; succession and probate; guardianship; administrative procedures; prisons and jails; code commission; and human rights.
<b><i>Legislative Procedure</i></b>	Bills relating to legislative procedures; the Legislative Research Council; and basic housekeeping matters during the legislative session.
<b><i>Local Government</i></b>	Bills relating to the organization and administration of county, municipal, and township government; special districts; elections; and planning and zoning.
<b><i>Military and Veterans Affairs (Senate only)</i></b>	Bills relating to the state's Department of the Military, the South Dakota National Guard, and any issues pertaining to current and former members of the military.
<b><i>Retirement Laws</i></b>	Bills relating to the pensions, annuities, and benefits of employees and officers in public service.
<b><i>State Affairs</i></b>	Bills relating to the organization of the executive branch of state government; policy decisions of overriding state concern; public employees; workers' compensation; public fiscal administration; veterans and military affairs; the state legislature; the state constitution; relations with the Indian tribes; the state building authorities and state authorized bonds; and regulation of electrical and telephone utilities. Bills not clearly identified with any other committee or subject area will usually find their way to the State Affairs Committee.
<b><i>Taxation</i></b>	Bills relating to the levying and collection of property, sales, and other taxes; assessment procedures; mill levies; and classification of property.
<b><i>Transportation</i></b>	Bills relating to highways and bridges; motor vehicles; public safety; regulation of motor carriers; traffic ordinances; and licensing.

This practical index of bill subject references reflects only probable committee assignments. Actual committee assignments are the prerogative of the presiding officer and the legislative body.

**2018 Senate Committee Workload  
Compared to Average Year**



**2018 House Committee Workload  
Compared to Average Year**



Generally, the political mix of standing committee membership is in accordance with each party's proportion of the total membership of that particular house; that is, if the membership of one party represents two-thirds of the total, that party's representation on each standing committee will generally reflect this same proportion. The committee chairs and vice-chairs will likely be members of the majority party.

Most House committees have thirteen members, while all Senate committees have seven or nine members, except GOAC, which has five. The Appropriations Committee has 9 members from each house and usually meets jointly.

In the Senate, standing committee appointments are announced by the Lieutenant Governor after the actual selections are made by the President Pro Tempore and the Minority Leader. In the House of Representatives, all committee appointments are made by the Speaker, after consulting with the Minority Leader. In the House, most members serve on two standing committees and most members of the Senate serve on three.

By rule in both houses, the person whose name is listed first on the appointment list to a standing committee is the chair. The next-named individual who is present serves as vice chair and in the chair's absence assumes those duties. The chair is required by rule to ensure that the minutes of each meeting are recorded by a committee secretary and include the names of all members present at each meeting, the bills or resolutions discussed and a brief explanation of those bills or resolutions, the names of all persons who appear in relation to any bill or resolution and the interests they represent, a record of how each committee member voted when action was taken, and the action taken. These minutes are open to the public for inspection. Following the legislative session, the minutes are retained by the Legislative Research Council.



Standing committee meetings are webcast by South Dakota Public Broadcasting and are available at the Legislature's home page (<http://www.sdlegislature.gov>). Committee proceedings are webcast live and are archived for later access. A member of the public can easily track legislation because all information related to a bill is collected and archived. The webcast icon also appears in the bill status. Click on the SDPB icon to hear the debate.

The various standing committees meet in their assigned meeting rooms at the hour and day set by the Speaker of the House and the Senate President Pro Tempore. Meeting times are established to avoid scheduling conflicts. The rules require the chair to prepare a schedule of times and places of the meetings of the committee and a list of the bills and resolutions to be considered. This schedule must be posted on the bulletin board by 5:00 p.m. in order to allow for an intervening legislative day between the date of posting and the date of consideration; however, by a two-thirds vote a committee may act on a matter at any time. Also, all standing committee agendas and minutes are posted at the Legislature's home page on the Internet.

The requirement of notices of meetings and the listing of bills and resolutions to be considered is designed to provide an opportunity for the citizens of the state to voice their opinions on any bill or resolution before a committee.

The primary function of a standing committee is to consider thoroughly each bill or resolution assigned to it and to make a specific recommendation on what action should be taken regarding the bill or resolution. A standing committee is required to take final

action **on every legislative proposal submitted to it**. A committee, by rule, can make any of the following recommendations or reports to the full body:

- (1) "**Do Pass**," which means that the bill or resolution has been recommended for passage and that there are no changes recommended in the bill as presented to the committee.
- (2) "**Do Pass Amended**," which means that a committee has voted that the bill, as presented, be changed in some way; and if the whole body agrees with the changes, then the bill is recommended for passage.
- (3) "**Do Not Pass**," which means that a committee found the bill to be important enough to warrant consideration by the whole body but believes that the bill should not pass, at least not in its present form.
- (4) "**Without Recommendation**," which means that a committee has no feelings one way or another about the bill or resolution or has been unable to agree, and that the whole body should make its own determination as to the merits of the bill or resolution.

In addition to the foregoing recommendations, if there is unanimous agreement among the members present, a committee may also recommend that the bill be placed on the **consent calendar**. The joint rules provide that any "uncontested" bill or resolution which receives a "do pass" or "do pass as amended" recommendation may be placed on the consent calendar. Revenue measures cannot be placed on the consent calendar, however.

If a committee, in considering a bill or resolution, is unable to agree upon a single recommendation, then a divided committee report may be filed. In this instance two reports are filed: a majority report and a minority report. Each of these reports will contain one of the four recommendations set forth above, and each report may include the reasons for the recommendation. A bill or resolution may be re-referred to a committee by a majority vote of the members-elect. In addition, a bill or resolution may be re-referred from one committee to another committee.

Measures must be reported out of committee to the house of origin by the 28<sup>th</sup> legislative day, assuming a 40-day session, except for appropriation bills. If a committee does not do so, then such bills "die" in committee. The whole body may withdraw a bill from a committee, however, by a vote of one-third of the members-elect. This procedure is done under Joint Rule 7-7 and is referred to as a "smoke-out." When a committee kills a bill by tabling it or postponing it indefinitely or to some date after the *sine die* adjournment of the legislative session, it must report such action to the full body in an informational report.

All final actions by standing committees require a majority vote of the members-elect, except in the special committee on appropriations, where a two-thirds vote of the full membership is required for any type of "Do Pass" recommendation on special appropriation bills.



## **Conference Committees**

When a bill or resolution has passed its house of origin, it is presented to the other house for its consideration. If the other house should amend the bill or resolution as passed by the house of origin, it is returned to the house of origin for approval of the changes. If the house of origin does not agree to the changes, one house or the other can request that a conference committee be established to work out an agreement. Upon the request of one house, the other house must appoint three members from its body to meet with three members of the requesting house. The rules provide that conference committee members should be representative of the decision made in their respective houses on the issue under consideration.

The members appointed from each house for a conference comprise separate committees, with the first-named in each instance being chair. The two chairs are required to set a time and place to meet in an attempt to settle the differences. Conference committees meet in open session. Notice of the meeting is posted, minutes are kept and votes are recorded. The presiding officer of the house of origin announces to that body the time and location of each conference committee meeting. Any agreed-upon compromise between the two must be approved by a majority vote of the members of **each** of the committees; therefore, a conference committee does not operate as a single committee, but as two sets of conferees.

If conference committees cannot agree, they report this fact to their respective houses and a new conference committee is usually appointed. (Only one conference committee is required.) If no agreement is reached after several conference committees are appointed, the bill or resolution will die, as it must pass both houses in the same form to become law.

## **Joint Committees Generally**

For the convenience of the public and the information of the members, similar standing committees of both houses sometimes meet in joint session. Joint meetings are generally used only when there is legislation of considerable magnitude which affects many citizens. Joint meetings conserve the time of those appearing before the committees and promote understanding between the two houses. The chair of a joint committee is the chair of the committee of the house before which the bill or resolution is then pending. The members of a joint committee in such circumstances do not vote as a single committee; rather, they meet together for informational purposes only and vote on the bill or resolution in their own committees. The Government Operations and Audit, Legislative Procedure, and Retirement Laws Committees usually meet jointly.

## **Committee of the Whole**

The Committee of the Whole includes all the members of one house acting as a regular legislative committee. The purpose of a Committee of the Whole is to permit a more free and less formal discussion of a question than would be possible by a deliberative body acting under its ordinary rules of procedure. It is not often used in the South Dakota Legislature, except during special sessions.

Whenever either house sits as a Committee of the Whole, the presiding officer names one of the body members to serve as chair. The general rules of the body apply, but the Committee of the Whole cannot take final action on any proposed law or resolution. Also, the previous question rule is not enforced and the time of speaking is not limited.

### **Procedural Committees**

The Legislative Procedure Committee recommends corrections to and approval of the daily Senate and House Journals, certifies to the two houses that measures have been correctly engrossed and enrolled, and certifies the delivery of bills to the Governor and joint resolutions to the Secretary of State. This committee also considers and recommends new rules and amendments to existing rules for the conduct of legislative business.

### **Select Committees**

The principal function of select committees is the performance of housekeeping duties for each house. Select committees usually have three members from each house. One can readily discern their responsibilities from their titles. Select committees are most frequently established to:

1. Arrange for joint session to hear message of Governor;
2. Notify Governor that the Legislature is duly organized;
3. Arrange a joint memorial service;
4. Notify Governor that the Legislature has completed its work and is ready to adjourn; and
5. Determine the time of adjournment *sine die*.

## SENATE CONFIRMATION OF GUBERNATORIAL APPOINTEES

The constitution and state law require that certain appointees of the Governor be subject to confirmation by the Senate. Nominations from the Governor are referred to a Senate standing or select committee for consideration and recommendation to the full Senate. The Senate considers the recommendation and either consents to or rejects confirmation. Appointees requiring Senate confirmation are listed in the following tables.

### Appointees Requiring Senate Confirmation

APPOINTEE	AUTHORITY(IES)
Assistant Adjutants General	SDCL 33-1-10.1
Brand Board, State	SDCL 40-18-1
Building Authority, South Dakota	SDCL 5-12-1
Corrections, Secretary of	SDCL 1-15-1.3
Economic Development, Board of	SDCL 1-16G-1
Education, South Dakota Board of	SDCL 1-45-6.1
Ellsworth Development Authority, South Dakota	SDCL 1-16J-2
Game, Fish & Parks Commission	SDCL 41-2-1 and 41-2-6
Human Resources, Commissioner of	SDCL 1-33-10
Human Services Department Secretary	SDCL 1-36A-1.2
Lottery Commission	SDCL 42-7A-17
Pardons & Paroles Board	SDCL 24-13-1
Regents, Board of	S.D. Const. art. IV, § 3; SDCL 13-49-1 & 6.1
Science and Technology Authority	SDCL 1-16H-5
Southwestern Low-Level Radioactive Waste Disposal Commission	SDCL 34-21B-3

### All Other Department Heads Requiring Senate Confirmation

APPOINTEE	AUTHORITY(IES)
Agriculture	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Economic Development, Governor's Office of	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Education	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Environment & Natural Resources	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Game, Fish & Parks	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Health	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Labor and Regulation	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Military	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Public Safety	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Revenue	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Social Services	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Tourism	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Transportation	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Tribal Relations	S.D. Const. art. IV, Section 9, and SDCL 1-32-3
Veterans Affairs	S.D. Const. art. IV, Section 9, and SDCL 1-32-3

## HOW AN IDEA BECOMES LAW

**A bill is simply an idea** that someone would like to see become law. It could be anything from the penalty for committing a crime to the amount of money that can be spent on a state program. The idea can come from anyone, but only a State Representative or Senator can take that idea and guide it to final passage through the State Legislature.

**Drafting a bill means putting the idea into legal language.** The drafting is done by the Legislative Research Council, an agency of state government.

**Introduction of a bill** can be made by any member of the House or Senate, and more than one legislator generally sponsors a bill. The legislator whose name appears first on the bill is the "prime sponsor."

**A bill is given to the Chief Clerk of the House or the Secretary of the Senate** and is assigned a number. If the bill is introduced in the Senate, it is a Senate Bill. Proposals which start in the House are House Bills.

**The bill is given a First Reading in the "House of Origin"** (in the House if sponsored by a Representative; in the Senate, if sponsored by a Senator). A First Reading means the bill's number and title are read aloud.

**The Senate President Pro Tempore or Speaker of the House then assigns the bill to a committee.**

**Committee action** is crucial to the legislative process. A committee's responsibility is to examine a bill carefully, take testimony for and against the bill, and decide whether to send the bill to the "floor" (the full House or Senate) for consideration by the full body.

The committee can send the bill to the floor with a "Do Pass" recommendation. They can "Table" the bill, which means it is dead unless the full body orders the committee to send the bill to the floor. Or the committee can "Defer to the 41<sup>st</sup> Day" which also kills the bill, since there can be no more than 40 legislative days in an annual session. In rare cases, if a committee cannot get enough votes to pass or kill the bill, a measure may be sent to the floor without recommendation. In that case, the full body must vote whether they want to place the bill on the "calendar" (agenda) for consideration.

**Once a bill reaches the floor**, it is debated and voted on. If it passes, the bill is forwarded on to the other body, where it goes through the same committee process.

**If a bill passes both the House and Senate, it is sent to the Governor.** If he signs it, the bill becomes law. If he vetoes it, the Legislature has an opportunity to decide whether to override or uphold his veto. If the Legislature votes to override the veto, the bill becomes law.

# THE LEGISLATIVE PROCESS

(NOTE: In 1997, the South Dakota Legislature began using LawMaker, a custom legislative information system. LawMaker integrates the legislative process in a client-server personal computer environment, providing “real time” information and Internet availability. All bills and resolutions are available on the Legislature’s website.)

## A Bill

A bill is an idea presented by an individual legislator, several legislators, or a committee, recorded on paper in a certain form, and presented to the Legislature for its approval. A bill is the vehicle by which present laws are changed or repealed and by which new laws are made. (An example of a typical bill is included in **Appendix III.**)

## Resolutions

In addition to bills, the only other types of documents which may be introduced in either house of the Legislature are:

(1) A House resolution or Senate resolution, which pertains to the affairs of one house only and requires action only by the legislative chamber concerned. It is used to express an opinion; to make a request of the other house; to express thanks; and to regulate procedure;

(2) A concurrent resolution, which expresses opinions and principles of the Legislature not having the force of law. It is used to authorize sessions, or committees; to instruct a department of state government; to petition federal agencies; and to request interim studies by the Legislative Research Council;

<b>State of South Dakota</b>	
SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004	
525J0761	<b>HOUSE CONCURRENT RESOLUTION NO. 1004</b>
Introduced by: Representatives Schafer, Bartling, Begalka, Bradford, Deadrick (Thomas), Engels, Garnos, Gassman, Gillespie, Glenski, Hunhoff, Klauadt, Kroger, Lange, Lintz, Nesselhuf, and Sigdestad and Senators Kloucek, Jaspers, Nachtigal, Olson (Ed), Reedy, and Sutton (Duane)	
1	A CONCURRENT RESOLUTION, In support of the Historic Preservation Fund and Historic
2	Barn Preservation Act.
3	WHEREAS, historic preservation provides an opportunity to rapidly employ diverse sectors
4	of the economy, revitalize neighborhoods, communities, and rural areas, entice private capital
5	investment nationwide, and foster heritage tourism; and
6	WHEREAS, the State Historic Preservation Offices implement the National Preservation
7	Program with funds provided by the Historic Preservation Fund; and

(3) A joint resolution contains matters of legislation only. (An example of a typical joint resolution is included in Appendix III.) It is used to refer a matter for referendum to the people; to place a constitutional amendment on the ballot at the next general election; to enact legislative redistricting; and to ratify proposed amendments to the United States Constitution; and

(4) A resolution of disapproval, which is used to stop an action which the Governor has recommended through an executive order.

### A Commemoration

A commemoration expresses recognition of service or achievements of national or statewide importance or expresses sorrow over death or loss.

### Parts of a Bill

The overwhelming majority of the legislative proposals with which legislators must deal comes before them in the form of bills. Every bill consists of three principal parts: the title, the enacting clause, and the body. By constitutional provision, no law may embrace more than one subject, which must be expressed in the title. This is designed to inform the people of the subjects of legislation being considered. Also, it is unconstitutional to put material in a bill that is not described in the title. Other introductory parts of a bill are its bill number and the names of the sponsor or sponsors.

The purpose of the enacting clause is to show that everything following it is to become the law of the state: South Dakota's Constitution prescribes the following as the exact form of this clause: **"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA."** If this clause is omitted from the bill or removed by amendment, the bill has no force of law.

The body of a bill is that portion which actually becomes law when the enactment is approved according to constitutional requirements. It is divided into numbered sections to facilitate reading and reference to specific parts. In the South Dakota Legislature, the lines of each page of a printed bill are numbered for ease of reference.

### State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

394J0073

SENATE BILL NO. 1

Introduced by: Senators Schoenbeck, Abdallah, Ham, Kelly, Moore, Napoli, and Reedy and Representatives Sebert, Burg, Engels, Fryslie, Gamos, Hennies, Murschel, O'Brien, Rhoden, Rounds, Schafer, and Valandra at the request of the Interim Committee on Department of Corrections Agency Review

**SPONSORS**

1 FOR AN ACT ENTITLED, An Act to provide for a Criminal Code Revision Commission and  
2 to declare an emergency.

**TITLE**

**ENACTING  
CLAUSE**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:  
3 Section 1. The Executive Board of the Legislative Research Council shall establish a  
4  
5 Criminal Code Revision Commission during the 2004 legislative interim. The commission shall

**BODY  
OF BILL**

## Form and Style of a Bill

All legislators may use the drafting services provided by the staff of the Legislative Research Council (LRC).

All bills and resolutions to be introduced in the Legislature are required by joint rule to be in the form and style prescribed by the LRC. For a discussion of style and form, see the South Dakota Legislative Research Council *Drafting Manual*, a separate document which is available on the Legislature's website at:

<https://sdlegislature.gov/docs/referencematerials/draftingmanual.pdf>

By joint rule of the Legislature, two copies of every bill, commemorative, or resolution must be filed with the bill clerk in the house of origin at least two hours prior to the opening of the daily session. Senate bills and resolutions begin with the number 1 and are printed on yellow paper; House bills and resolutions begin with the number 1001 and are printed on blue paper. All bills and resolutions are prepared by the Legislative Research Council and are delivered to the prime legislative sponsor.

If a bill amends an existing statute, that portion constituting the new material must be designated by underlining the new material. Any matter contained in a present statute but deleted in the proposed amended statute must be included in the bill and set off from the remainder of the text by a line stricken through the deleted material.

### Introduction and Reference to a Standing Committee

Bills, joint resolutions, concurrent resolutions, and commemorations may be introduced by a member or members of the house of origin and may be joined by members of the other house as co-sponsors. Committees may introduce bills under specific limited provisions set out in the joint rules. The final day for introduction of individual bills, joint resolutions, concurrent resolutions, and commemorations is established by the joint rules. (**NOTE:** All legislative deadlines are found in Chapter 17 of the Joint Rules. See Chapter 3.)

When a new bill is introduced, its title is read before the house of introduction. This is known as "the first reading." The bill is then assigned by the presiding officer, usually to the standing committee which is concerned with the particular subject matter of the bill, unless the body by motion decides that it should be assigned to another standing committee, a select committee, or to the Committee of the Whole. The journal will record the official introduction, the title of the bill, and the identity of the committee to which the bill was referred. Following this introduction and reference, the bill is ready for committee action.

### Prefiling of Bills

South Dakota law provides that any person who has been elected or appointed to serve in the Legislature may prefile measures with the Director of the LRC thirty days prior to the formal opening of the annual legislative session. An interim committee of the LRC may also prefile measures under the names of individual sponsors on behalf of the interim committee.

By joint rule, all executive agencies are required to prefile any legislation that they wish to have considered. The sponsor of executive agency legislation is a standing committee. The agency must secure the permission of the standing committee chair before the bill may be prefiled. Although all prefiled measures are assigned a number and printed prior to the opening of the formal session, they are not officially introduced

until the first day of the session; therefore, printed copies of prefiled bills are not available until the Legislature convenes; however, they may be viewed on the Internet: <https://sdlegislature.gov>

### **Committee Action**

Once a bill has been referred to a committee, the chair will post the date, time, and place when the bill will be presented for hearing before the committee. On the date named for the hearing, the committee convenes in its assigned meeting room. The committee is called to order by the chair, who will announce the bills to be considered. The author of the bill, who will have been notified that the proposal is to come under examination, may be present to speak in support of the bill. Other persons who are interested in the bill may be on hand to present their views. The committee's final decision on the bill is made in a session which is open to the public, but often no further testimony is taken. At this time, the committee's report is prepared for submission to the chamber.

### **Committee Reports – Action by Chamber**

The rules require a committee to report its recommendations or other final action on a bill or resolution to its parent house. The committee recommendation determines how the body will proceed to consider the bill. Any of the following recommendations can be made to the full body:

- (1) A **"Do Pass"** recommendation automatically places the bill on the calendar for second reading and disposition on the next legislative day.
- (2) A **"Do Pass Amended"** recommendation is read on the day the committee reports and is placed on the calendar for action the next legislative day. The report is not subject to change or amendment at the time it is read. Such reports are by custom perfunctorily adopted.
- (3) A **"Do Not Pass"** or **"Without Recommendation"** report terminates the measure unless the parent body takes positive action to place the measure on the calendar for second reading and disposition.

Informational reports from standing committees do not require action by the parent body; e.g., to inform the body that a committee has tabled a bill.

### **Engrossment**

All bills amended by the Senate or House must be engrossed (changes incorporated into the body of the bill) before their second reading and final passage. When a bill is engrossed, all the amendments adopted by the chamber are inserted in proper order in the bill.

### **Second Reading and Final Passage**

When a bill or resolution has reached the stage of second reading and final consideration, it is about to complete its journey through that house. It is often at this stage that it will receive its most vigorous debate before being voted on. Before a bill is voted on for final passage, a request may be made that it be read at length prior to the vote. The vote must be recorded and printed in the journal. A majority vote of the members-elect is required for passage of a bill or resolution. If the bill includes an



emergency clause, a special appropriation, or the institution or increase of a tax, a two-thirds vote of the members-elect is required for passage.

A legislator has the right to change his vote, but this request must be made prior to the announcement of the vote by the speaker or president, unless the member is given unanimous consent to change the vote. Any member may ask for a verification of a vote. The member may also, immediately following the announcement of any vote, explain his vote and request that these remarks be printed in the journal.

### **Reconsideration**

After a bill or resolution has been voted upon for final passage and while the bill is still in the possession of that house, any member may move for reconsideration. Notice of Intent to reconsider must be given before the body moves to the next item of business. A move for reconsideration asks that the vote by which a bill was passed or defeated be reconsidered, and if the motion is successful it has the effect of canceling the original vote and reopening the question of final passage. The motion to reconsider must be made no later than the next legislative day. The motion requires a majority vote of the members-elect. No motion to table is subject to reconsideration.

When a member, in explaining his vote, states that the vote was for the purpose of reconsideration, such statement is automatically taken as giving notice of intention to move for reconsideration.

### **Procedure in the Other House**

When a bill or resolution has been passed by its house of origin, the same process begins in the second house. If it is passed by the second house without change, it is ready to be enrolled by the Legislative Research Council. If, however, it is amended by the second house, the bill or resolution, as amended, must be returned to its house of origin for further action. If the house of origin approves the amendments, the bill or resolution is then ready to be enrolled. If the amended bill is not approved by its house of origin, it is usually sent to a conference committee.

### **Enrollment**

When a bill or resolution has passed both houses in the same form, it is ready to be enrolled (preparation of the bill in the form that it would be signed into law). The Committee on Legislative Procedure then certifies the correctness of the enrollment. When a bill has been properly enrolled, it is ready for signing by the presiding officer of each house.

### **Signing of Bills**

The constitution requires that all bills and joint resolutions which have passed the Legislature be signed by the presiding officer of each house in the presence of that house, and that immediately before the signing the bill titles be publicly read and the fact of signing entered in the journal. When a bill has been properly signed by both presiding officers, it is sent to the Governor for approval.

### **Signing of Bills by Governor and Timeline for Veto**

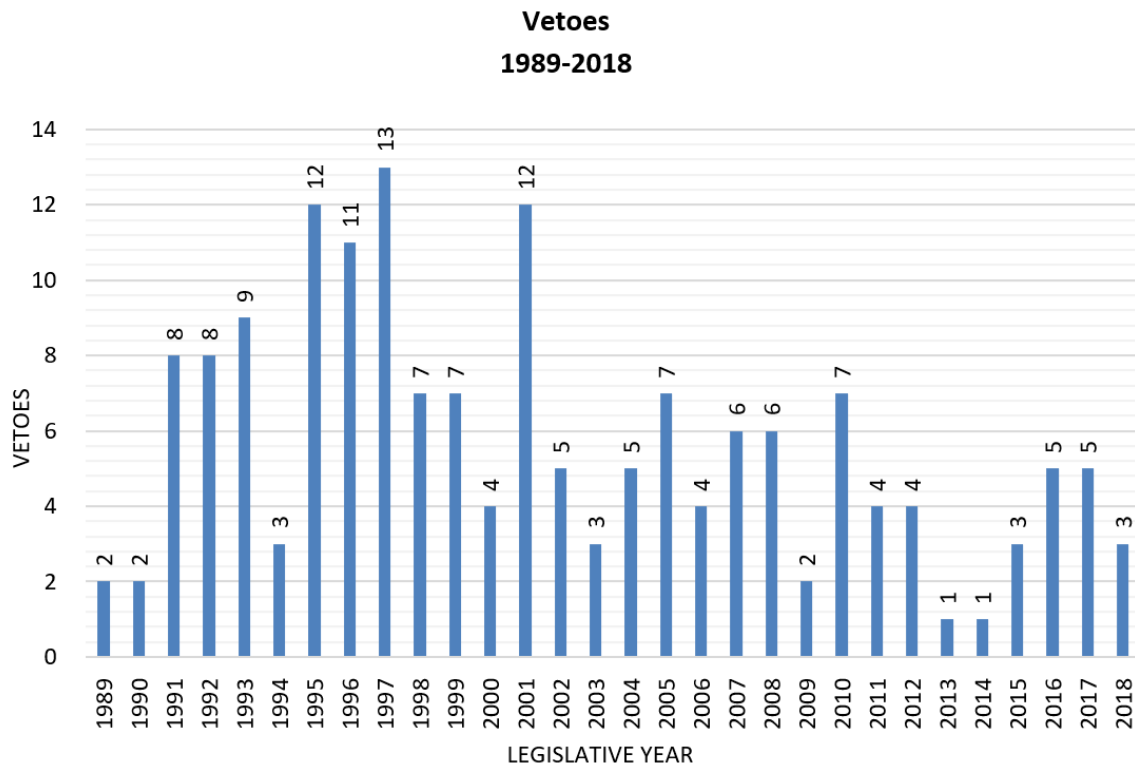
When the Legislature is in session, a bill presented to the Governor for signature becomes law when the Governor signs the bill or fails to veto it within five days (not

including Saturdays, Sundays, or holidays) of presentation. A vetoed bill is returned by the Governor to the Legislature, together with the Governor's objections, within five days (not including Saturdays, Sundays, or holidays) of presentation if the Legislature is in session or upon the reconvening of the Legislature from a recess. These vetoed bills may then be reconsidered by the Legislature, and if two-thirds of the members-elect of each house pass the bill it becomes law.

When a bill has been presented to the Governor and the Legislature has adjourned *sine die* or recessed for a period longer than five days before the Governor is required to act on the bill, the Governor must deliver the vetoed bill within fifteen days after such adjournment or start of the recess. When the Legislature adjourns at the end of a legislative day but not in final conclusion of the current session, this adjournment is a recess for the purposes of returning vetoes.

The Governor may strike individual items from the general appropriation bill passed by the Legislature. The procedure for reconsidering items struck by the Governor is the same as the procedure prescribed for overriding the executive veto. All items not removed become law.

Bills with errors in style or form may be returned to the Legislature by the Governor with specific recommendations for change. Bills so returned are treated in the same manner as vetoed bills except that specific recommendations for change in style or form may be approved by a majority vote of all the members of each house. If the Governor certifies that the bill conforms with the specific recommendations, the bill then becomes law. If the Governor fails to certify the bill, it is returned to the Legislature as a vetoed bill.



### Effective Date of Laws Passed

The constitution provides that no Act of the Legislature may take effect until **ninety days** after the close of the session. Statute provides that the effective date of laws passed at a regular session shall be **July 1** unless a different effective date is specified in the Act. The Legislature, however, by vote of two-thirds of the members-elect in each house, is permitted to declare a bill an emergency measure. An emergency measure takes effect and is in force immediately after its passage and approval by the Governor.

The two types of emergencies are:

- (1) For the support of state government and its existing public institutions; and
- (2) For the immediate preservation of the public peace, health, or safety.

### Fourth and Third to Last Days of Legislative Session

The Joint Rules of the Legislature provide that the two days preceding the final two days of the legislative session are reserved for concurrence by each house with actions of the other house and for action upon conference committee reports. The rules have sometimes been suspended to allow passage of bills on these days.

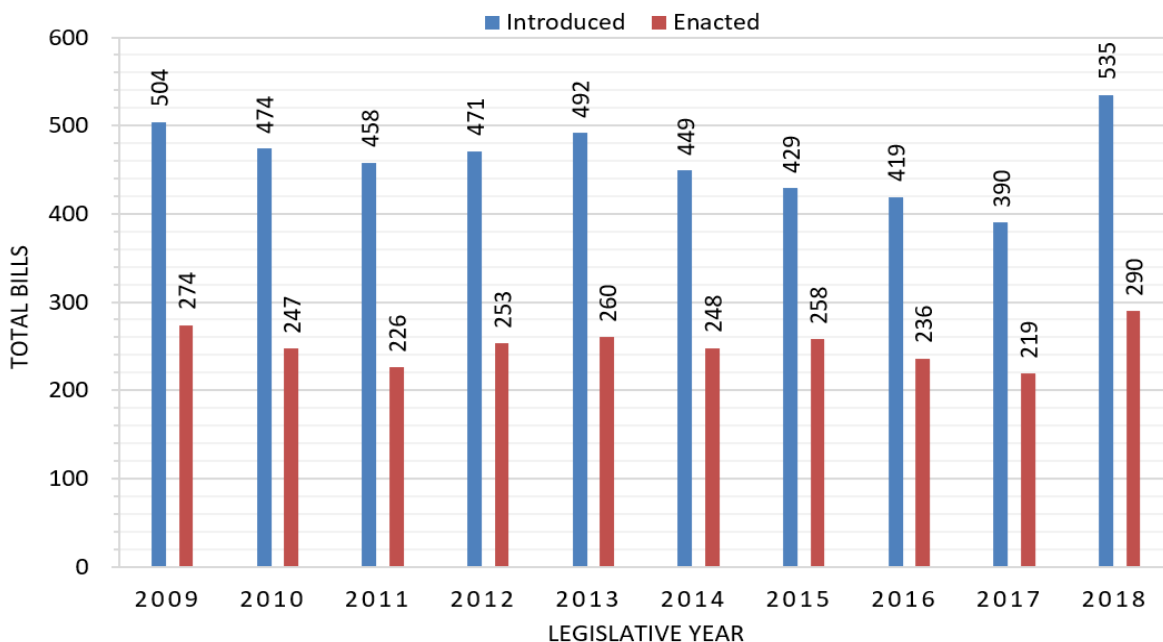
### Last Day Reserved for Consideration of Vetoes

Since 1977, the final legislative day has been reserved and held more than 15 days later for consideration of vetoes.

### Success of Legislation

The following graph shows information on the number of bills introduced and the number passed and delivered to the Governor for the last ten annual sessions.

**Disposition of Legislative Bills  
2009-2018**



## LEGISLATIVE DOCUMENTS AND REFERENCE MATERIALS

\*Available at the Legislature's Web site: <https://sdlegislature.gov>

### Rules\*

On the first day of the session, each house of the Legislature adopts its temporary rules and procedures. Normally, the rules of the previous session are adopted, with any changes approved near the end of the previous legislative session. When the permanent rules for that session are later adopted, any changes are printed in either the Senate or House Journal, and all adopted rules are printed in the *Red Book*. The rules are also available on the LRC website.

### Daily Calendars\*

Each house issues a daily calendar of regularly scheduled business. This calendar is distributed to all legislators and interested parties primarily by electronic means.

### Bills, Resolutions, and Commemorations\*

Bills and joint resolutions are posted to the website. The pages place the printed bills and joint resolutions in the bill books located on each chamber floor and in each committee room. Concurrent resolutions are available on the website and are printed in the journal. Commemorations are available on the website.

### House and Senate Journals\*





The constitution requires the House and Senate to keep and publish journals of their proceedings. The journal contains a record of each day's proceedings and actions with respect to all bills, resolutions, executive communications, and committee reports. Debates are not covered in the journals, but a legislator may request that the explanation of his vote be recorded in the journals. Journals are posted at the Legislature's website after the conclusion of each daily session. The journals are available prior to the opening of session the following day. Certified copies of the compiled and corrected journals are filed with the Secretary of State no later than forty days after the adjournment of the Legislature.



Gavel-to-gavel coverage of floor proceedings is webcast by South Dakota Public Broadcasting and is available at the Legislature's home page (<https://sdlegislature.gov>). Live audio webcast is provided for daily sessions of the Senate and House. These proceedings are later archived by bill and date. Audio files on individual pieces of legislation are usually available by mid-evening of the same day. Click on the SDPB icon to hear the debate.

## Bill Status Report\*

A computerized Bill Status Report is prepared daily during session. This report gives an up-to-date information of the current status of each bill and resolution introduced in both houses.

Senate Bill 32 <span style="color: orange;">RSS</span>			
<b>Sponsors:</b> Senator <a href="#">Rusch</a> and Representative <a href="#">Gosch</a> at the request of the Code Commission			
<b>Purpose:</b> codify legislation enacted in 2015.			
<b>Keywords:</b> <a href="#">Legislature and Statutes</a> , <a href="#">State Affairs and Government</a>			
Date	Action	Audio	Location
<a href="#">01/12/2016</a>	First read in Senate and referred to Senate State Affairs S.J. 20		
<a href="#">01/20/2016</a>	Scheduled for hearing		10:42
<a href="#">01/20/2016</a>	State Affairs Do Pass, Passed, <a href="#">YEAS 8</a> , <a href="#">NAYS 0</a> . S.J. 83		10:42
<a href="#">01/20/2016</a>	Placed on consent, Passed		10:42
<a href="#">01/21/2016</a>	Senate Do Pass, Passed, <a href="#">YEAS 31</a> , <a href="#">NAYS 0</a> . S.J. 105		
<a href="#">01/22/2016</a>	First read in House and referred to House State Affairs H.J. 152		
<a href="#">01/27/2016</a>	Scheduled for hearing		1:05
<a href="#">01/27/2016</a>	State Affairs Do Pass, Passed, <a href="#">YEAS 13</a> , <a href="#">NAYS 0</a> . H.J. 192		1:05
<a href="#">01/27/2016</a>	Placed on consent, Passed		1:05
<a href="#">01/28/2016</a>	House of Representatives Do Pass, Passed, <a href="#">YEAS 67</a> , <a href="#">NAYS 0</a> . H.J. 220		
<a href="#">02/02/2016</a>	Signed by the President S.J. 187		
<a href="#">02/03/2016</a>	Signed by the Speaker H.J. 272		
<a href="#">02/04/2016</a>	Delivered to the Governor on February 04, 2016 S.J. 208		
<a href="#">02/09/2016</a>	Signed by the Governor on February 8, 2016 S.J. 256		

## Session Laws\*

All laws, resolutions proposing constitutional amendments, initiated and referred measures, executive orders, and Supreme Court rules which affect statutes are published in the bound session laws. The session laws are prepared by the Code Counsel in the office of the LRC and are printed within three months after the legislative session. The session laws are posted to the LRC website and legislators may also request a printed copy.

## South Dakota Legislative Index\*

Following the close of the legislative session the legislative index is posted to the LRC website. Legislators may also request a printed copy from the LRC.

## The South Dakota Codified Laws\*

Each legislator is entitled to use a set of the *South Dakota Codified Laws* ("SDCL" or the "code") during his term of office. Most access the laws through the website. Extra sets of the code are also placed in both chambers and committee rooms during the session for immediate reference by any legislator. At each regular session orientation program, the makeup and the use of the code is explained in detail. (**Chapter 2** provides information on using the Code.)

### **Legislative Research Council Report\***

Each year the Legislative Research Council prepares a report covering the council's work during the previous interim. Contained in this report are the reports and recommendations on each interim subject studied by the council. Study assignments are determined by resolution of the previous Legislature, statute, or direction of the LRC Executive Board. This report is available at the Legislature's website.

### **Administrative Rules of South Dakota\***

The Legislative Research Council publishes all administrative rules and regulations promulgated by state agencies in the *Administrative Rules of South Dakota* (ARSD). Rules and regulations can only be promulgated by administrative agencies to carry out legislative mandates. The authority to adopt rules is usually granted when an agency has special expertise that the Legislature does not have time to acquire, when frequent changes, such as dates or fees, need to be made, or when a general law needs to be made more specific. Administrative Rules are available on the LRC website: <https://sdlegislature.gov/Rules/RulesList.aspx>.

### **South Dakota Register\***

The *South Dakota Register* is a weekly publication, required by statute, that contains: notices of hearings on proposed amendments to administrative rules; final administrative rules filed in the secretary of state's office; executive orders; judicial, legislative and executive appointments; declaratory rulings; and other information which is not otherwise generally available to the public. You may receive copies electronically by subscribing using MyLRC. The *Register* is available on the LRC website: <https://sdlegislature.gov/Rules/RegisterArchive.aspx>.

### **Legislator Update**

The *Legislator Update* is the newsletter document designed to provide information to Legislators relevant to your service as a South Dakota Legislator. Each issue includes meeting schedules and highlights, LRC staff updates, noteworthy nuggets such as travel policy and page information, reports, news and highlights, and condolences. The *Update* is published weekly during the legislative session and monthly during the interim. The document is sent to your preferred email address and during session it is also printed and distributed to your floor desk. Current and previous Update documents can also be accessed from the icon on the desktop of your legislative device.

### **Issue Memos\***

The Executive Board of the Legislature approves Issue Memos written by LRC staff. The purpose of an issue memo is to provide research, history, and education for legislators in a particular policy area. Issue memos may be found on the LRC website at:

[https://sdlegislature.gov/Reference\\_Materials/Issue\\_Memos/default.aspx?Session=2018](https://sdlegislature.gov/Reference_Materials/Issue_Memos/default.aspx?Session=2018)

### **Program Evaluations**

In late 2017, the Executive Board added program evaluations to the duties to be performed by LRC Fiscal & Program Analysis staff. The Executive Board may authorize the staff to conduct such evaluations of state government programs. The first two evaluations were completed during the 2018 interim. Program Evaluation

reports may be found on the LRC website at:  
[https://sdlegislature.gov/Reference\\_Materials/ProgramEvaluations.aspx](https://sdlegislature.gov/Reference_Materials/ProgramEvaluations.aspx)

### **Audits of State Agencies**

Copies of financial audits of all state agencies are available from the Department of Legislative Audit (DLA). The DLA Internet address is listed below.

<http://legislativeaudit.sd.gov/>

### **Governor's Budget Report**

Each legislator receives a printed copy of the Governor's budget report and recommendations. This document must be transmitted by the Governor no later than the Tuesday following the first Monday in December (SDCL 4-7-9). The Governor's budget report can also be viewed on line at the Bureau of Finance and Management's website.

<https://bfm.sd.gov/budget/>

# **ADDITIONAL CONSTITUTIONAL LIMITATIONS ON THE LEGISLATURE**

## **Quorum**

A majority of all the members of each house constitutes a quorum, but a smaller number may adjourn from day to day or may compel the attendance of absent members in such a manner and under such penalty as each house may provide.

## **When Sessions Are Open to the Public**

The constitution provides that the sessions of each house and of the Committee of the Whole shall be open to the public, unless the nature of the business warrants that it be kept secret. However, the joint rules provide that all committee or subcommittee meetings shall be open to the public.

## **Length of Adjournment or Recess**

Neither house may adjourn without the consent of the other for more than three days, nor may either house adjourn to any other place than where the two houses are sitting.

## **Local or Special Laws**

The Legislature is prohibited from enacting any private or special law in the following cases:

1. Granting divorces.
2. Changing the names of persons or places, or constituting one person the heir at law of another.
3. Locating or changing county seats.
4. Regulating county and township affairs.
5. Incorporating cities, towns, and villages; changing or amending the charter of any town, city, or village; or laying out, opening, vacating or altering town plats, streets, wards, alleys, and public ground.
6. Providing for sale or mortgage of real estate belonging to minors or others under disability.
7. Authorizing persons to keep ferries across streams wholly within the state.
8. Remitting fines, penalties, or forfeitures.
9. Granting to an individual association or corporation any special or exclusive privilege, immunity, or franchise whatever.
10. Providing for the management of common schools.
11. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

(S.D. Const. Art. III, § 23.)

The Legislature may, however, repeal any existing law relating to these items. In all other cases where a general law is applicable, no special law may be enacted.

## **Impeachment Power**

The House of Representatives has the sole power of impeachment. The concurrence of a majority of the members-elect is necessary for impeachment. All impeachments are tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person can be convicted



without the concurrence of two-thirds of the members-elect. When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court presides over the proceeding.

### **Oath of Office**

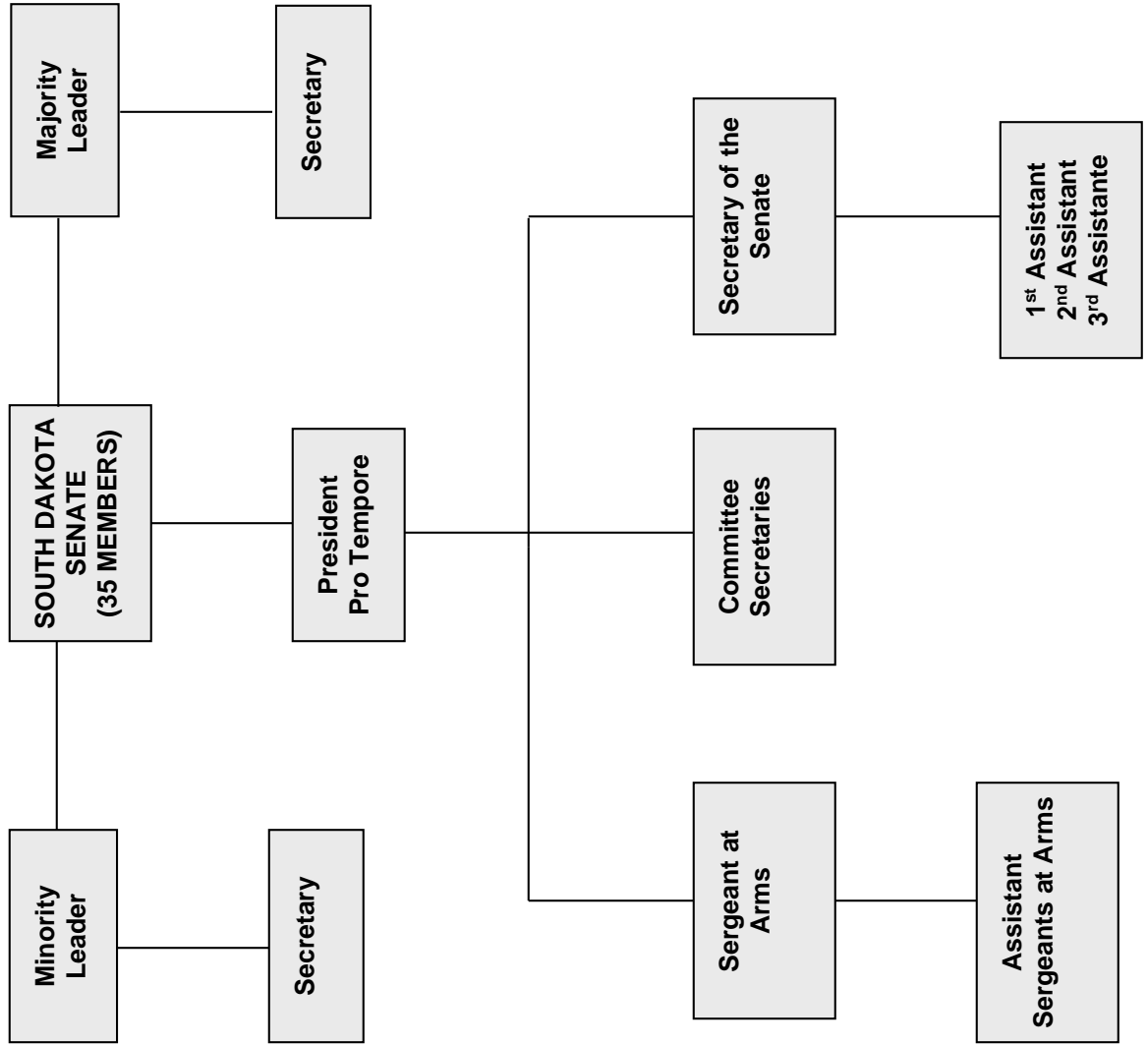
Before entering upon their official duties, members of the Legislature and its officers take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of South Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.

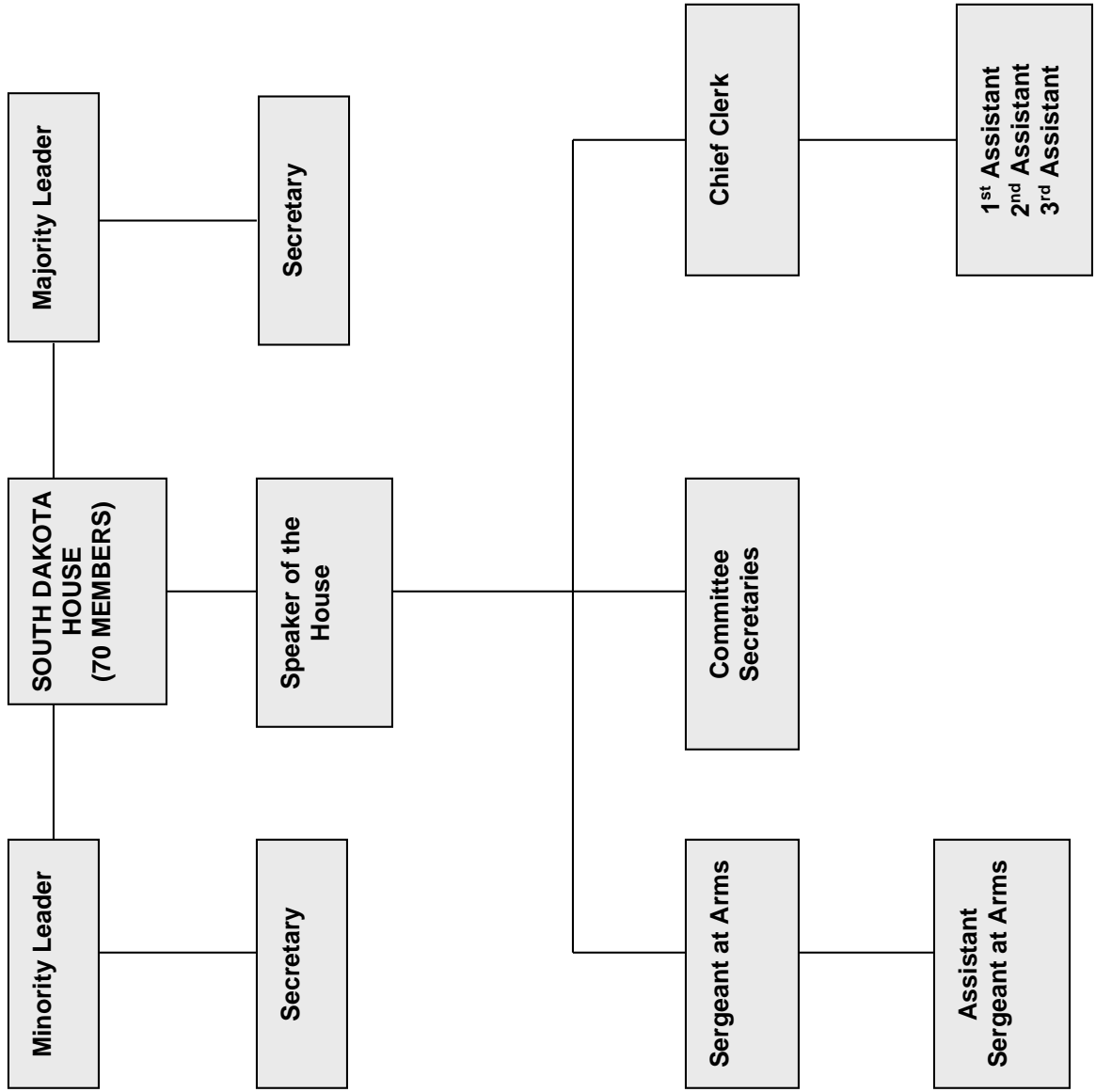
This oath is administered by a Justice of the Supreme Court or Judge of the Circuit Court or the presiding officer of either house. The Secretary of State records and files the oath subscribed to by each member and officer.

# APPENDIX I

## SOUTH DAKOTA SENATE SESSION EMPLOYEE ORGANIZATIONAL CHART



**SOUTH DAKOTA HOUSE OF REPRESENTATIVES  
SESSION EMPLOYEE ORGANIZATIONAL CHART**



## APPENDIX II

### LEGISLATIVE PROCEDURE AT A GLANCE

(Format: Action / Cite / Required Vote)

**Adjournment** / J.R. 5-4 / Termination of meeting / Majority of members present / Not debatable.

**Amendment, to state constitution** (by Joint Resolution) / S.D. Const. Art. XXIII, § 1 / Majority of members-elect.

**Appeal the Decision of the Chair** / J.R. 1-3 / Majority of members present.

**Appointments, confirmation of gubernatorial** / SDCL 1-7-9, S7-1 / Majority vote of senators-elect.

**Appropriations (other than General Appropriation Bill)** / S.D. Const. Art. XII, §2 / 2/3 vote of the members-elect.

**Calendar, placing of bills on:**

"Do Not Pass" bills / J.R. 6F-6 / Majority of members-elect.

"Without Recommendation" bills / J.R. 6F-6 / Majority of members-elect.

**Call of the House** / J.R. 2-2 / Compel attendance of absent members / 1/6 of members-elect.

**Change of Vote** / J.R. 12-4 / Unanimous consent.

**Changing Order of Business** / J.R. 4-3 / Revert to or pass to a new order of business / Majority of members present.

**Conference Committee Report Adoption** / J.R. 8-3 / Same as final passage of the bill or resolution.

**Consideration of Matters Not Posted** / J.R. 7-1.5 / 2/3 of committee members-elect.

**Discipline of Disorderly Member** / J.R. 1-11 / 2/3 of members-elect.

**Division of Question** / J.R. 5-9 & J.R. 7-27 / No vote necessary / Decision of presiding officer or committee chair.

**Emergency Measure** / S.D. Const. Art. III, § 1 / Bills necessary for the immediate preservation of the public peace, health, or safety or the support of the state government / 2/3 vote of members-elect.

**General Appropriation Bill** / S.D. Const. Art. XII, § 2 and SDCL 4-8A-1(1) / Majority of members-elect.

**Lay-Over Motion** / J.R. 5-17 / Final action upon pending amendment delayed until one legislative day has intervened / Not amendable / Not debatable / 1/5 of members-elect.

**Postpone Indefinitely or to a Date Beyond Adjournment** / J.R. 5-8.1 / Majority of members-elect.

**Previous Question Motion** / J.R. 5-6 / Not debatable / Majority of members present.

**Recess** / J.R. 5-3 / Suspension of meeting / Majority of members-elect.

**Reconsideration** / J.R. 5-11.1 / Majority vote of members-elect. Unanimous consent if motion to reconsider same question made twice. (Only final disposition of bills and joint resolutions and override of vetoes may be reconsidered.)

**Resolutions** / J.R. 12-5 / All resolutions require a majority vote of the members-elect.

**Roll Call Vote**, request for / S.D. Const. Art. III, § 13 / 1/6 of members present.

**Rules Adoption** / J.R. 11-2, S5-1, H4-1 / Majority of members-elect.

**Rules Amendment** / J.R. 11-1, S5-1, H4-1 / 2/3 of members-elect.

**Rules Suspension** / J.R. 11-1, S5-1, H4-1 / 2/3 of members-elect.

**Smoke Out** / J.R. 7-7 / Requires a committee to deliver a bill to the floor by the next legislative day / 1/3 of members-elect.

**Special Orders** / J.R. 4-2 / Majority of members present.

**Strike Enacting Clause** / J.R. 5-10 / Majority of members-elect.

**Table, Lay on the** / J.R. 5-5 / Not debatable / Majority of members-elect, when motion effects disposition of a bill; majority of members present required on all other tabling motions.

**Table, Take from the** / J.R. 5-5.2 / Debatable / Majority of members-elect.

**Tax Increases and New Taxes** / S.D. Const. Art. XI, § 14 / Any new tax or increase in an existing tax / 2/3 vote of the members-elect.

**Veto, Override** / S.D. Const. Art. IV, § 4 / 2/3 of the members-elect.

**Withdrawal of Motion** / J.R. 5-2.2 / Unanimous consent of members present.

# APPENDIX III

## State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0322

### HOUSE BILL NO. 1024

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to authorize counties to use the South Dakota grassland fire  
2 index to regulate the use of fireworks.

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

4 Section 1. That § 34-37-19 be amended to read as follows:

5 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside  
6 the boundaries of any municipality in those areas where the fire danger, as determined by use  
7 of the ~~rangeland fire index as established by rule promulgated pursuant to chapter 1-26, by the~~  
8 ~~secretary of agriculture~~ South Dakota grassland fire danger index published by the National  
9 Weather Service, has reached the extreme category in that county during the period from June  
10 twentieth to July second, inclusive. During such period, the county's action is suspended if the  
11 rangeland fire index falls below the very high category and shall again become effective if the  
12 rangeland fire index reaches the extreme category.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

736J0316

## SENATE JOINT RESOLUTION NO. 5

Introduced by: Senators Brown, Albers, Dempster, Jaspers, Kloucek, Kooistra, Olson (Ed), Reedy, Sutton (Dan), and Symens and Representatives Peterson (Bill), Cutler, Elliott, Fryslie, Lange, Olson (Ryan), Solum, and Wick

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 an amendment to Article III, section 6 of the Constitution of the State of South Dakota,  
3 relating to legislative term limits.

4 BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE  
5 OF REPRESENTATIVES CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to  
7 Article III, section 6 of the Constitution of the State of South Dakota, as set forth in section 2  
8 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state  
9 for approval.

10 Section 2. That Article III, section 6 of the Constitution, of the State of South Dakota, be  
11 amended to read as follows:

12 § 6. The terms of office of the members of the Legislature shall be two years; they shall  
13 receive for their services the salary fixed by law under the provisions of § 2 of article XXI of  
14 this Constitution, and ~~five cents for every mile of necessary travel in going to and returning from~~  
15 ~~the place of meeting of the Legislature on the most usual route~~ mileage.



## APPENDIX IV

### GLOSSARY OF LEGISLATIVE TERMS

**ACT**--a bill passed by the Legislature.

**ACTION**--disposition of any question before the Legislature.

**ADJOURNMENT**--termination of a meeting; occurs at the close of each legislative day upon completion of business, with the hour and day of the next meeting set prior to adjournment.

**ADOPTION**--approval or acceptance; usually applied to amendments or resolutions.

**AMENDMENT**--any alteration made or proposed in a bill, motion, or clause thereof by adding, changing, substituting, or omitting.

**ANNOTATION**--the official annotations are the compilation of histories of sections of the statutes, interpretative notes, court decisions and attorney general's opinions. They are published following each section of the South Dakota Codified Laws.

**APPORTIONMENT**--division of the state into districts from which legislators are elected.

**APPROPRIATION**--money set apart by formal action for a specific use.

**BICAMERAL**--a legislature consisting of two chambers.

**BILL**--a proposed law introduced during a session for consideration by the Legislature.

**BILL BOOK**--bills are numbered consecutively as introduced and all bills, as they are printed, are placed in bill books, or binders, in numerical order. All legislators, and many other persons who work with the Legislature, are provided with bill books.

**BLUE BOOK**--the *South Dakota Legislative Manual* prepared in odd-numbered years by the Secretary of State. This book contains historical data about the state and biographical data on members of the legislative, executive, and judicial branches of government.

**BODY OF A BILL**--the body of a bill is the text or lawmaking part of the bill. Everything following the enacting clause is part of the body of the bill.

**CALENDAR**--the schedule which determines the order in which bills are taken up for further consideration or debate by the Legislature following committee action.

**CASTING VOTE**--the deciding vote the Lieutenant Governor, as President of the Senate, may cast in case of a tie vote in that chamber.

**CATCHLINE**--the catchline is the boldface material between the section number and the section material in all the sections of the South Dakota Codified Laws. The catchline is a summarization, prepared by the Code Commission, of the material in the section, but it is not a part of the statute.

**CHAIR**--a traditional designation of the current presiding officer.



**CHIEF CLERK**--an officer of the house of representatives responsible for the direction of the clerical staff and the preparation of daily and general publications.

**CODE**--the *South Dakota Codified Laws* (formerly referred to as the South Dakota Compiled Laws).

**COMMEMORATION**--an expression of the Legislature recognizing service or achievements of national or statewide importance or sorrow over death or loss.

**COMMITTEE REPORT**--a committee report documents the proposed changes made by a committee or conference committee.

**CONCURRENCE**--practice whereby one house agrees with an action taken by the other house.

**CONCURRENT RESOLUTION**--a form of legislation expressing the opinion of the Legislature. It does not have the force of law.

**CONFIRMATION**--approval by the Senate of certain gubernatorial appointees.

**CONSENT CALENDAR**--schedule of bills on which there is general agreement that opposition is not anticipated.

**CONSTITUENT**--citizen residing within the district of a legislator.

**CONSTITUTION**--the fundamental organic law of the state. Amendments to the Constitution are proposed by joint resolution and must be approved by a vote of the people.

**CONSTITUTIONAL AMENDMENT**--a resolution adopted by the Legislature affecting the state constitution which requires an affirmative vote of the electorate to become effective.

**DISTRICT**--the geographic division of the state represented by a legislator.

**DO PASS**--the affirmative recommendation made by a committee in sending a bill to the floor for final vote.

**DRAFT**--any piece of written legislation, at whatever stage of preparation, that has not yet been introduced as a bill.

**DRAFTING ORDER**--a work sheet which accompanies a bill draft through its various stages of preparation in the Legislative Research Council. Only LRC staff members have access to drafting order forms.

**ENACTING CLAUSE**--that portion of a bill indicating that all following material is to become law. By constitutional provision each proposed law must be preceded by this clause: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA."

**ENGROSSMENT**--incorporating the amendments into the text of a bill as it moves through the legislative process.

**ENROLLMENT**--incorporating the amendments and corrections into the text of the bill after it has passed both houses in the same form.

**EX OFFICIO**--the holding of a particular office or position by virtue of holding another office or position.

**FLOOR**--a traditional description of the interior of either house; "floor action" describes the consideration of measures by the entire membership of the respective chamber.

**HOGHOUSE**--a procedure used in the Legislature whereby a committee or a member from the floor will move to strike everything after the enacting clause of a bill and insert in lieu thereof the substance of an entirely new bill.

**HOUSE**--when used generally, house refers to either the Senate or the House of Representatives. The term, the House, refers to the House of Representatives.

**HOUSE RESOLUTION**--one form of a resolution.

**IMPEACHMENT**--a procedure to remove from office public officials accused of misconduct.

**INTERIM**--the interval between regular sessions of the Legislature.

**INTERNAL REFERENCE**--a citation within the body of a bill to another section of the bill or an existing section of law.

**INTERSTATE COMPACT**--legislation enacted in identical form by two or more states. Only changes which affect the internal operation of the compact within the state may be made in drafting an interstate compact, even though its style and form may vary from normal South Dakota usage.

**JOINT RESOLUTION**--used primarily to propose amendments to the South Dakota Constitution and to ratify amendments to the United States Constitution.

**JOURNAL**--the official chronological record of the proceedings of the respective houses; printed daily in pamphlet form and subsequently certified, indexed, and bound at the close of each session.

**LAW MAKER**--the South Dakota Legislature's legislative information system, which is available on the Internet. This integrated system performs all the functions associated with bill drafting, tracking of legislative documents, and chamber automation; i.e., bill drafting, committee report preparation, committee minutes preparation, committee agenda preparation, amendment preparation, journal and calendar preparation, and bill status.

**LAY ON THE TABLE**--postpone a matter before the Legislature; may later be brought up for consideration by motion from the floor.

**LEADLINE**--introduces a section which amends or repeals existing law or which contains new material that should be placed within a particular portion of the code.

**LEGISLATIVE DAY**--a day on which a formal legislative floor session is held.

**LOBBYIST**--an individual engaged to present and promote the views of a group, organization, or industry on measures under consideration by legislators.

**MINUTES**--an official record of the proceedings of a meeting.

**MOTION**--a formal suggestion offered while the Legislature is in session.

**PASSAGE**--favorable action on a measure before the Legislature.

**PER DIEM**--daily expense allowance.

**PETITION**--formal request submitted by an individual, group, or organization to individual members or the Legislature as a whole.

**POINT OF ORDER**--motion calling attention to a breach of order or rules.

**PRESIDENT PRO TEMPORE**—"President for a time" presides over the Senate Chamber in the absence of the Lieutenant Governor. The President Pro Tem is elected by the members of the Senate at the beginning of each session.

**PROCEDURE**--the rules and traditional practices of the Legislature.

**REAPPORTIONMENT**--a redistricting of the state for election purposes.

**RECONSIDERATION**--a motion which, when passed by a house, allows another vote annulling or reaffirming an action previously taken.

**RED BOOK**--*Official Directory and Rules of the South Dakota Legislature*. It contains the legislative rules and information about the legislative members.

**REFERENDUM**--the method by which a measure adopted by the Legislature may be submitted to the electorate for popular vote.

**RESCIND**--annulment of an action previously taken.

**RESOLUTION OF DISAPPROVAL**--a resolution of disapproval is used to suspend the operation of an executive order.

**RULES**--the methods of procedure determined by the Legislature at the beginning of a session.

**SECRETARY OF THE SENATE**--an officer of the upper house elected by the members to direct the clerical staff and to assist the presiding officer in administrative and procedural matters.

**SENATE RESOLUTION**--one form of a resolution.

**SERGEANTS-AT-ARMS**--officers of the House and the Senate charged with maintaining order and carrying out the directives of the presiding officers or the members.

**SESSION**--period during which the Legislature meets.

**SESSION LAWS**--the compilation of all bills enacted during any one year.

**SINE DIE**--adjournment "without day" being set for reconvening; final adjournment of the Legislature.

**SMOKE OUT**--invoking of Joint Rule 7-7 whereby one-third of the members of a house can require a committee to deliver a bill to the full body by the next legislative day.

**SOUTH DAKOTA CODIFIED LAWS (SDCL)**--current codification of South Dakota statutes of a general nature. It does not include local, appropriative, or special laws. SDCL is divided into chapters and sections.

**SPEAKER**--presiding officer of the House of Representatives, elected by the members at the beginning of each session.

**SPECIAL ORDER**--matter of business set for a special designated time and day regardless of its place on the calendar.

**TITLE**--may mean a group of related chapters in the code or the title of a bill or other proposal.

**UNIFORM ACT**--certain suggested legislation is published by the National Conference of Commissioners on Uniform State Laws in its annual handbook and by the Council of State Governments annually in a volume called *Suggested State Legislation*. The drafting of a uniform act may require a great deal of additional work to remove contradictory provisions that may already exist in state law, as well as style, spelling, and format changes.

**VETO**--formal disapproval of a measure by the Governor.

**WEBCAST**-- A broadcast of legislative proceedings on the Internet. South Dakota Public Broadcasting's posting of the audio files of the daily Senate and House floor sessions and standing committee meetings at the South Dakota Legislature's home page on the Internet (<http://www.sdlegislature.gov>). A complete audio record of legislative proceedings for reference through the Internet.

## APPENDIX V

### The Capitol Building and Capitol Complex

South Dakota's State Capitol stands on the second plateau of the rolling bluffs overlooking the Missouri River. South Dakota became a state in 1889 along with her sister state, North Dakota. Pierre was named the temporary capital at that time but did not receive the permanent designation until 1904. The permanent site was only decided after two lengthy and exhaustive campaigns, which involved Mitchell and Huron.

The first capitol was a wooden building located just west of the permanent structure. The grounds were an expanse of raw prairie scarred by a deep gulch.

In 1910, the ambitious dreams of the planner were realized. The gulch was filled and today holds Capitol Lake, the year-round home of flocks of mallard ducks and Canadian geese. Trees and landscaping were added to produce the effect now seen.

Over the years the original building began to deteriorate, and changes to reflect the times were made. Impractical skylights were closed; an annex built to the north of the original structure shut off much natural light, so the electric lighting was updated and many of the original fixtures were replaced with modern practical versions. In addition, due to the expense of restoration, ornate wall decorations, mainly paintings and murals, were covered with paint as they became soiled.

Several years ago, legislators and other state officials made a study of

the costs of renovation and/or restoration. The building that cost less than \$1 million to erect in 1910 would cost over \$40 million to replace today.

Out of an awareness for the historic value and the practicality of restoration versus replacement, a plan was proposed for the restoration of the public areas of the capitol and remodeling of offices. Since 1976, the restoration project has included many major renovations and improvements. A five-member Capitol Complex Restoration and Beautification Commission, appointed by the Governor, now plans and oversees the work being done.

Some of the earliest renovations were done in the Governor's reception room. During the summer of 1978, the 96-foot-high dome was reinforced and repainted and its stained glass was cleaned and repaired. The stained glass skylights on the third floor were also restored, and marble and brass fixtures throughout the building were cleaned and repaired. The Supreme Court hearing room was refurbished in 1979 and intricate wall and ceiling designs were replaced.

More extensive interior renovation projects began in the 1980s. After exhaustive research and actual paint-stripping exploration, many different painted designs on the walls and ceilings of hallways, lobbies, and other public areas were uncovered. A Sioux Falls architectural firm and two Pierre painting contractors were hired to repaint these areas as they

were at the Capitol's opening in 1910. Light fixtures and chandeliers have been restored, or, if lost, replaced. The Governor's portraits have been rehung on the first floor. The First Ladies' inaugural gown collection is displayed on the first floor of the Capitol.

During the state's Centennial year, the legislative chambers underwent a major restoration. Through careful investigation an exact duplicate of the original carpet was created for installation. Artistic license was taken in weaving three state seals into the carpet of each chamber.

The House of Representatives installed a state-of-the-art voting system which was manufactured by Daktronics of Brookings, South Dakota. All the original furniture in each chamber was removed and restored. The Speakers' and Presidents' lobbies behind each chamber were restored to their original beauty.

Several structural changes also have been made. Cracked mosaic floor tiles have been replaced with new tiles from the same Italian quarry. Legislative offices built into the House and Senate lobbies were removed and the areas restored to their original design. The roof drainage system has been improved, and a new service entrance has been added to the east end of the capitol annex. The exterior of the capitol and annex has been cleaned and tuck-pointed.

The capitol area grounds also have received considerable attention. Capitol Lake was dredged and a new walkway/maintenance path and riprap was installed. Added next to the flaming fountain was a carved marble memorial to South Dakotans

who died in the Korean conflict and Viet Nam War. Each honoree is listed under his home county. Plans are underway for a memorial to World War II veterans.

Across from the lake, the Becker-Hansen Building (formerly known as the Department of Transportation Building) received new sidewalks. A new park with a lighted pathway, arched bridge, and reservoir was created in Hilger's Gulch west of the Kneip and State Library Buildings.

The parking lot north of the capitol was redesigned for aesthetic and safety reasons and replaced in the summer of 1986. The new lot has sixty additional spaces as well as a separate entrance and parking area for handicapped employees and visitors. A drainage system was installed in the new lot, and expanded lawn areas received underground sprinklers. The driveway and parking circle in front of the capitol also saw similar attention.

Also, in 1991 the Duling family donated a statue which rests at the rear entrance to the capitol. The sculpture, entitled "The Citadel," was created by South Dakota artist Dale Lamphere.

On April 19, 1994, the Fighting Stallions Memorial was dedicated as a lasting memorial to the eight South Dakotans who perished in an airplane crash on April 19, 1993. Five state employees, including Governor George S. Mickelson, and three Sioux Falls corporate leaders were on an economic development mission.

The memorial is located on the capitol grounds near Capitol Lake. "Fighting Stallions" is enlarged in bronze from the 1935 mahogany

carving by South Dakota sculptor Korczak Ziolkowski. The sculpture symbolizes South Dakota's struggle to overcome adversity, desire for achievement, and courage to believe in the future. It is a tribute to those who have made the ultimate sacrifice.

The Capitol Club, a group of legislator spouses, donated a panel of hand leaded stained glass for the semi-circular window in the center panel of the front doors of the Capitol. The dedication was made during a special ceremony which took place during the 1996 Legislative Session. The Capitol Club made this donation in remembrance of the eight victims of the April 19, 1993, plane crash. All segments of the design are in divisions of eight. Warvi Stained Glass of Rapid City worked on this glass for over a year.

In 1997, the former capitol maintenance shop was relocated, and the structure was remodeled into the Visitor Center. This facility has a large and a small meeting room, as well as a kitchen furnished with the "basics." The meeting rooms are available by reservation only. The gallery may not be reserved and is open to the general public from 8:00 a.m. to 10:00 p.m. daily.

Governor William J. Janklow, in March 2000, announced the construction of a World War II Memorial on the Capitol grounds to honor all the men and women who contributed to the war effort. Lee Leuning, Pierre, and Sherri Treeby, Aberdeen, were selected as the memorial artists. The slightly larger-than-life statuary consists of six bronze figures representing the branches of service in which South Dakotans served in WWII. The statues are on a peninsula that was constructed into Capitol Lake.

The memorial was dedicated on September 15, 2001, just four days after the terrorist attacks on the United States. The formal program on the Capitol grounds concluded with the release of 68,000 balloons, each representing a South Dakotan who served in World War II.

In 2002 a project to enhance Capitol Lake was undertaken. The peninsula area contains a walking path surrounded by flowers, benches, perennials, bushes, and centered by a fountain that uses recirculating city water. An arbor is located at the far end of the circle. The lighting used corresponds with that used on the Capitol grounds. The area is a destination for visitors and for local citizens.

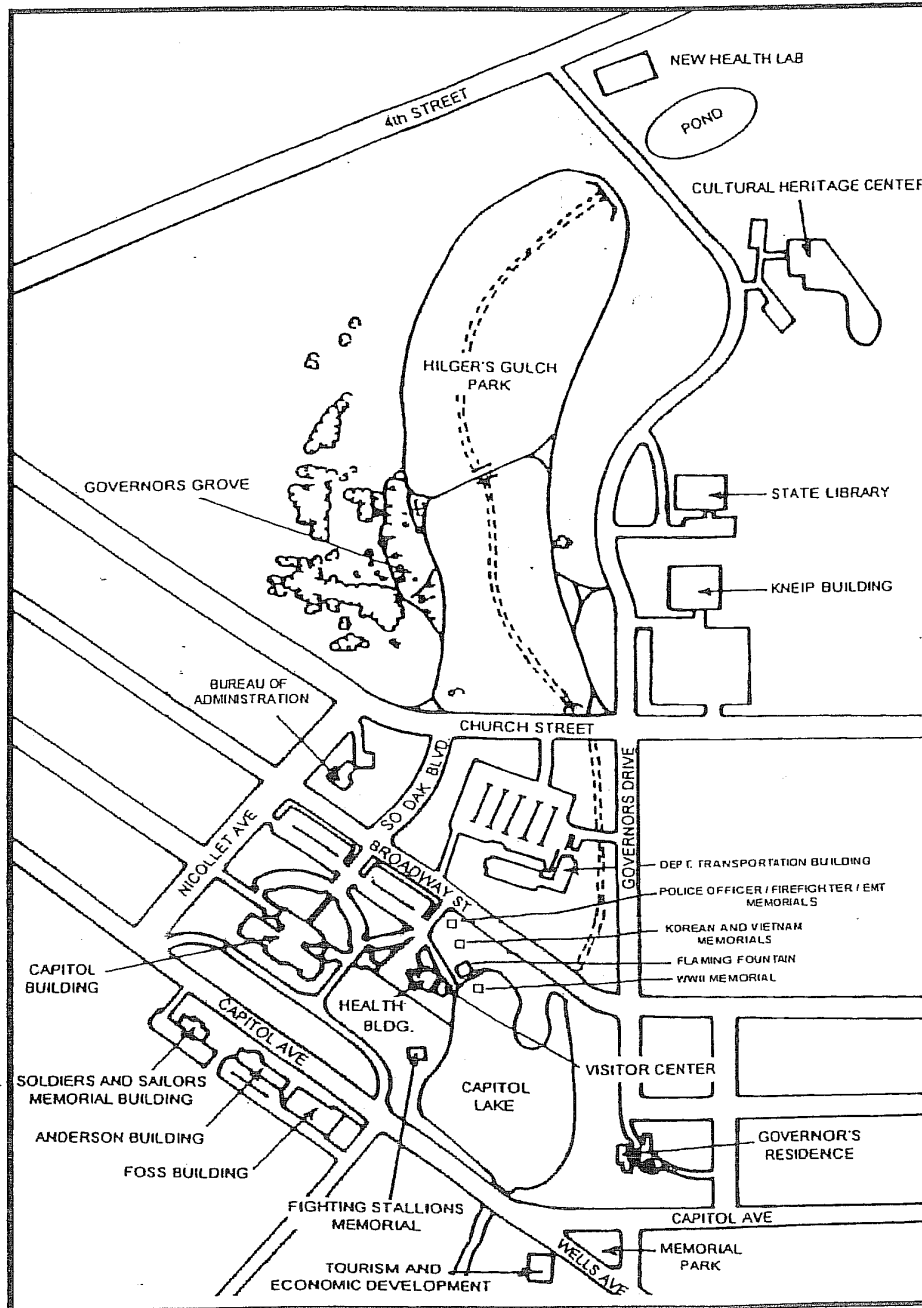
A Korean War Memorial was installed on the Capitol grounds and dedicated in September 2004.

In September 2006, Governor M. Michael Rounds held a Vietnam War Memorial celebration. The formal program on the Capitol grounds included the dedication of a life-size statute honoring the men who served in the war. The "Traveling Wall of Fallen Soldiers" was placed for public viewing in Hilger's Gulch Park. Over 40,000 people attended the event; including Vietnam War disc jockey, Adrian Cronauer.

In 2013, repair and restoration work began on the Capitol's stained glass, which was bowing in places and in danger of collapse. Work was completed in time for the 125<sup>th</sup> anniversary of South Dakota's founding, on October 1, 2014.

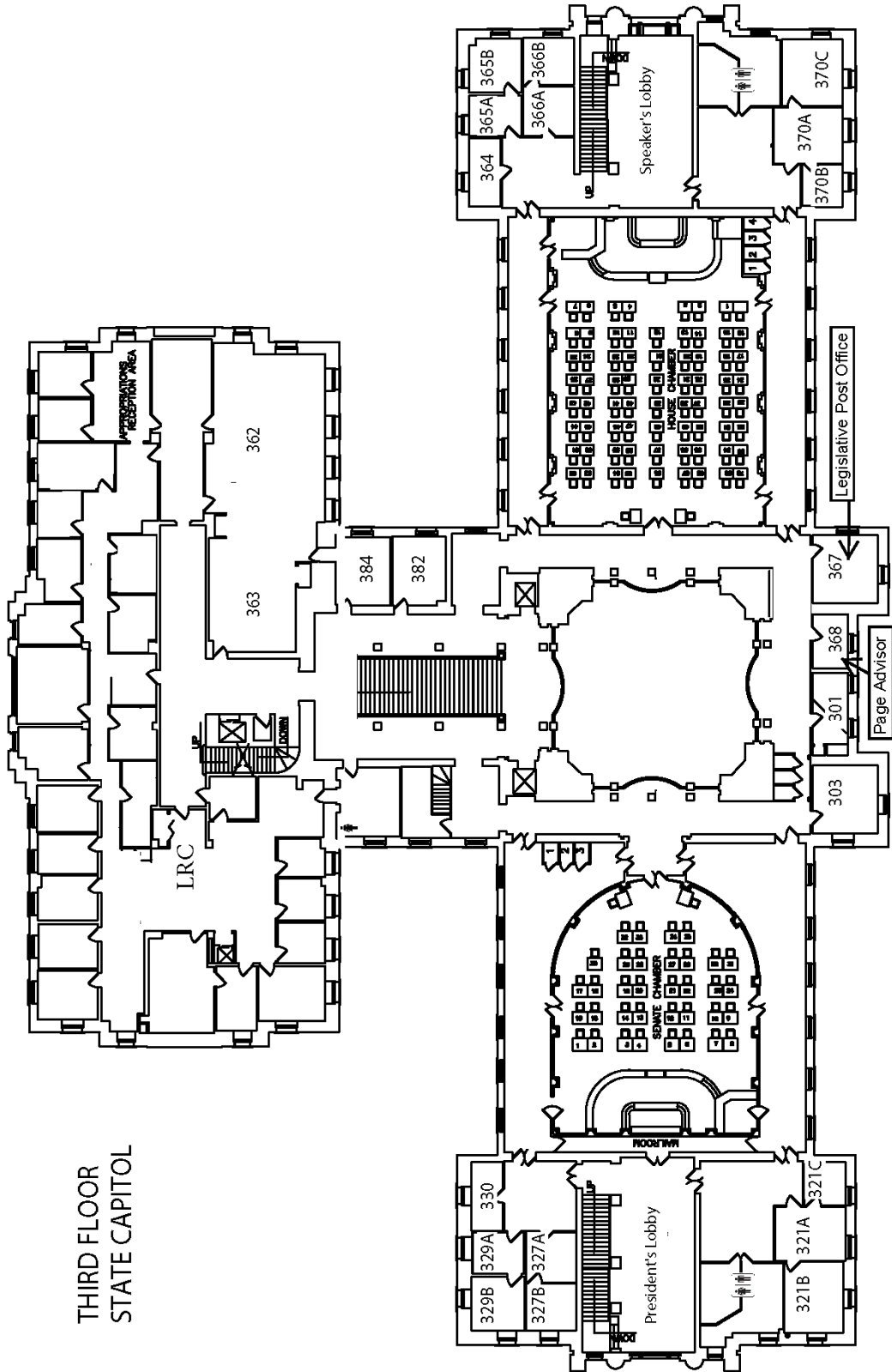
# APPENDIX VI

## The South Dakota Capitol Complex

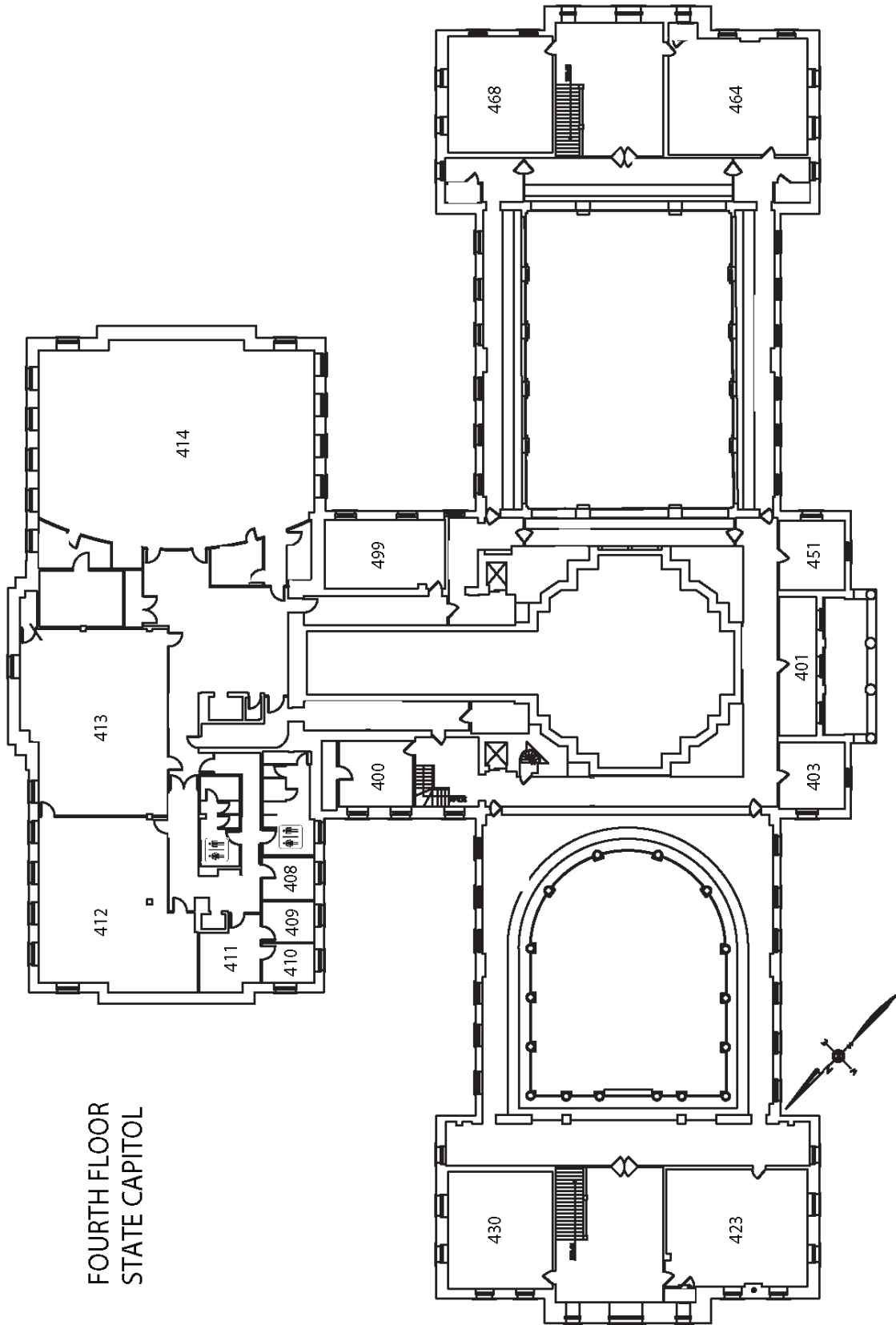




THIRD FLOOR  
STATE CAPITOL



FOURTH FLOOR  
STATE CAPITOL



## APPENDIX VII

### POLITICAL CONTROL OF S.D. GOVERNORSHIP & LEGISLATURE (1907-2013)

YEAR	GOVERNOR			SENATE			HOUSE		
	REP.	DEM.		REP.	DEM.	Others	REP.	DEM.	Others
1909	x			39	6		95	9	
1911	x			33	11	1	99	4	1
1913	x			33	11	1	88	14	1
1915	x			35	10		85	18	
1917	x			35	10		91	12	
1919	x			43	2		90	10	3
1921	x			44	1		94	4	5
1923	x			34	9	2	84	10	9
1925	x			34	10	1	85	11	7
1927		x		29	16		81	21	1
1929		x		33	12		83	20	
1931	x			31	14		79	24	
1933		x		16	29		33	70	
1935		x		14	31		40	63	
1937	x			22	23		66	37	
1939	x			30	5		62	13	
1941	x			31	4		65	10	
1943	x			31	4		69	6	
1945	x			35	0		72	3	
1947	x			35	0		71	4	
1949	x			27	8		64	11	
1951	x			29	6		66	9	
1953	x			35	0		73	2	
1955	x			29	6		57	18	
1957	x			18	17		48	27	
1959		x		15	20		43	32	
1961	x			23	12		57	18	
1963	x			26	9		58	17	
1965	x			18	16	1	45	30	
1967	x			29	6		64	11	
1969	x			27	8		59	16	
1971		x		24	11		46	29	
1973		x		17	18		35	35	
1975		x		16	19		37	33	
1977		x		24	11		48	22	
1979	x			24	11		48	22	
1981	x			25	10		49	21	
1983	x			26	9		54	16	
1985	x			25	10		57	13	
1987	x			24	11		48	22	
1988*	x			25	10		48	22	
1989	x			20	15		46	24	
1991	x			18	17		45	25	
1993**	x			15	20		42	28	
1995	x			19	16		46	24	
1997	x			22	13		48	22	
1999	x			22	13		51	19	
2001	x			24	11		50	20	
2003***	x			25	10		49	21	
2005	x			25	10		51	19	
2007	x			19	15	1	50	20	
2009	x			21	14		46	24	
2011	x			30	5		50	19	1
2013	x			28	7		53	17	
2015	x			27	8		58	12	
2017	x			29	6		60	10	
2019	x			30	5		59	11	

\* David Laustsen (D-Aberdeen) resigned from the Senate; Governor George S. Mickelson appointed William R. Taylor (R-Aberdeen) to fill the vacancy.

\*\* Lt. Gov. Walter D. Miller (R) succeeded to office of Governor due to the death of Governor George S. Mickelson on April 19, 1993.

\*\*\* Richard "Dick" Hagen (D) elected posthumously. Governor M. Michael Rounds appointed Michael LaPointe (R) to fill the vacancy.



## Chapter 2 LEGISLATIVE SERVICES

### Legislative Research Council

The South Dakota Legislative Research Council was established by action of the 1951 Legislature. The legislative research movement began in Kansas in 1933. Currently, every state has established some type of legislative service operation.

By statute, the LRC consists of all members of the Legislature. It is the function of the council to consider legislative policies between sessions. The council is directed by a fifteen-member Executive Board, consisting of eight representatives and seven senators who are elected by their respective houses. Informally, the caucuses select members for the Executive Board so that each party is represented. The Executive Board assigns subjects for review to the various standing committees for detailed analysis of major policy issues. The interim committees report the results of their studies, including any recommendations for legislative action. In addition to committee staffing, the LRC staff provides continuing research and fiscal services to individual legislators, including technical assistance in drafting legislation. **(A list of the LRC staff and their areas of expertise in bill drafting can be found later in this chapter, followed by the LRC fiscal staff assignments and an organizational chart for the LRC.)**

The Legislative Research Council is the primary custodian of South Dakota legislative documents. All bills, journals, committee minutes, and other legislative documents are maintained by the LRC. The recent materials are available either electronically or in hard copy, and older legislative documents are available on microfilm and microfiche.

The South Dakota Legislature is a member of the Council of State Governments (which includes the Midwestern Legislative Conference) and the National Conference of State Legislatures. These organizations do issue research on a national and regional basis. In addition, they sponsor various training seminars throughout the year. The state of South Dakota is also a member of the Education Commission of the States (ECS) and the Uniform Laws Commission (ULC). The South Dakota Legislature's home page (<https://sdlegislature.gov>) contains links to these organizations' Web sites. A listing of mailing addresses, telephone numbers, fax numbers, and Internet addresses is provided toward the end of this chapter.

### Legislative Audit

Another function of the legislative branch of state government is administered through the Department of Legislative Audit (DLA). The department is headed by the Auditor General, who must be an experienced public accountant. The Auditor General is appointed for an eight-year term by concurrent resolution adopted by both houses of the Legislature. The LRC Executive Board directs the Auditor General's activities. The current Auditor General is Martin L. Guindon.

The department is charged with the post-auditing of state and local governmental agencies. Post-audit is the final review or examination of completed state and local financial transactions. It is undertaken to assure that revenues have been collected in compliance with statute, that funds have been spent within the scope of the legislative intent and sound fiscal practice, and that the assets of the state and local governments are safeguarded and utilized properly. The purpose of this service is to provide the Legislature with formal, objective information on revenues that have been collected and funds that have been expended, and to provide a basis for legislative action to improve the fiscal structure and transactions of the state. Visit the DLA Web site: <http://legislativeaudit.sd.gov/>.

### **Legislative Intern and Page Programs**

Each year a maximum of twenty-two college student interns are selected to work during the session for the two houses of the Legislature. The student interns are chosen and assigned by the leadership of the two political parties. The program is administered by the LRC. Any college student may apply to be an intern. Preference is given to students in their junior and senior years. In addition, numerous high school seniors are selected to serve as pages during each legislative session. Pages serve for appointed terms and run errands, assemble documents for legislators, answer phones, and attend committee meetings.

### **Lobbyists**

All lobbyists are required by South Dakota law to register with the Secretary of State. Many representatives of organized groups are present during the legislative session to protect the interests of their organizations. They are employed to present their opinions to the legislators and to track legislation affecting their interests. The term "lobbyist" has an unfavorable connotation to many, but often lobbyists are useful sources of information for legislators. Lobbying can be described as the constitutional right of petition by citizens to their Legislature, on an organized basis. The Secretary of State maintains a list of all persons who are registered as lobbyists during the session, and this list is open to the inspection of any citizen at any time during the regular business hours of the Secretary of State. The law relating to lobbyists is contained in SDCL 2-12. Information on registering to become a lobbyist and a link to the listing of all registered lobbyists is available at the Secretary of State's home page on the Internet: <https://sdsos.gov>; click on "Lobbyist" under General Services.

The rules of the House and Senate prohibit lobbyists from being on the floors of the chambers for three hours before the opening of the daily session and one hour following the close of session.

### **Mailing and Postal Service**

Postal facilities for receiving and sending legislative mail are provided in Room 353, located between the Senate and House chambers on the third floor of the Capitol. No mailing or postage allowance is provided for members of the Legislature. Legislators may purchase stamps at this office, however.

## **Office Supplies**

During the legislative session office supplies may be secured by making a request to the Chief Documents Clerk (located in Room 353). Pages frequently deliver supplies directly to a legislator's desk.

Each legislator has a desk on the floor of the chamber. Personal possessions may be stored in this desk; however, approximately two weeks after the close of each session all desks are emptied, since the chambers are sometimes used for public meetings during the year. Personal items should be taken home after session or make arrangements with LRC for storage.

## **Parking**

During the legislative session, a section of the parking lot located on the north side of the Capitol Building is reserved for legislative parking. Each legislator will receive one hangtag. Each tag has a unique number. This hangtag authorizes parking in the area reserved for legislators. Capitol Security ensures that only vehicles bearing this hangtag are parked in the reserved area of the lot. Unauthorized vehicles will be ticketed.

## **The Press**

Legislative news is covered by the wire services, individual newspapers, and radio and television stations. South Dakota Public Television (SDPTV) also televises a number of committee meetings and floor sessions. (As noted in Chapter 1, South Dakota Public Broadcasting webcasts floor proceedings and standing committee meetings.) Both chambers of the Legislature provide special areas for members of the press.

## **Computer Technology and Connectivity**

South Dakota Legislators are among the best connected in the nation. Each member receives a state-of-the-art computing device. Just as importantly, that device is equipped to connect to a wireless network deployed throughout the legislative area of the Capitol. That connection lets legislators send and receive e-mail, check bill and statute information, and print documents no matter where on third or fourth floor they may be. To ensure that every legislator can make full use of the tools and services available with this technology, LRC offers training for all legislators. LRC computer support specialists will organize classes and small group sessions to explain the basics. At any time, a legislator can schedule a time to cover topics of particular interest to the legislator or receive a refresher course on topics covered previously. It is recommended that legislators schedule sessions with computer support early in the legislative session so that the use of computer services can be fully understood and utilized from the very beginning. Early preparation can be an advantage when time becomes more of an issue later in the session.

## **Legislative Web Site**

In a fast-paced legislative session, it is an advantage to have services and information readily available. Your Legislative Web site can put almost all session information on your desktop (or on your notebook in this case) for easy reference. The Web site is designed to be a focal point for the legislative process. One can quickly find bill drafts

and the status of bills, the language of existing statutes, and information on committee and floor schedules. Legislators can also create a personal tracking system through the website's MyLRC function, which lets them include bills of interest to them on an alert system. Any change made to a monitored bill or any time that bill is scheduled for action, an e-mail message will be sent to alert the legislator. A legislator can also listen to committee or floor debate when he or she cannot be in the committee room or on the floor. South Dakota Public Television webcasts audio of committee and floor activity through the Legislative Web site so legislators can remain involved even when legislative business requires their presence elsewhere. Legislators can remain in touch with any number of legislative activities or use the power of their notebook computers to be productive no matter where their responsibilities take them.

## **Telephones**

Landline phones are available to aid with your legislative business. Phones located on the chamber floor, in the private lobbies, and with the secretaries/interns can be used for making local calls. To make a local call, dial the last four digits of the number for state offices. (For example: to reach LRC, dial 3251.) For local calls outside state government, dial 9+seven digit number. The phones in the private lobby phone booths and in legislator offices can make local and long distance phone calls. To make a long distance phone call, dial 9+1+area code+seven digit phone number.

To make the best use of state resources, landline phones in the 4th floor offices have not been activated. If you would like a landline, please contact the LRC office.



# How to Use the South Dakota Code

## History

In 1866, the Dakota Territory was the first government in the United States to enact a comprehensive civil code of laws, other than Louisiana, which inherited the Code Napoleon from France. Before that time the common law was used, which was expressed in court decisions and miscellaneous legislative enactments. The territorial legislature adopted the "Field Code," which was written by a New York code commission under the direction of Mr. Justice Field, but never adopted in that state.

The code reduced into written and systematic order, not only the rules and decisions of the common law on the subjects embraced, but also, to the same extent, the whole body of the law, whether denominated as written or unwritten, tribunal or statutory. The use of a written code allowed the Legislature to modify or supersede the common law without going through the court system.

The original code was soon made obsolete by the passage of new material and the amendment and repeal of material previously included. To that end, additional codes were published from time to time. However there were no cumulative supplements which incorporated new legislative enactments into the existing codes. Legal researchers had to go through all the Session Laws printed since the enactment of the last code to make sure their research was up-to-date.

*The South Dakota Compiled Laws of 1967* (actually published in 1968) was the first South Dakota code to provide a yearly cumulative pocket supplement so all the law could be found in one place. In 1974, the name was shortened to the *South Dakota Compiled Laws*. In 1976, the name was changed to the *South Dakota Codified Laws* to reflect the fact that the publication was, in fact, a code and not a compilation.

The following is a list of codes and compilations of the Dakota Territory and the state:

*The (Dakota Territory) Code of 1877*  
*Levissee's Code of 1883\**  
*Levissee's Code of 1885\**

*The Compiled Laws of 1887*

*Grantham's Annotated South Dakota Statutes of 1889\**  
*The Revised Codes of South Dakota (1903)*  
*The Compiled Laws of South Dakota (1908)*  
*The South Dakota Revised Code of 1919*  
*The Compiled Laws of South Dakota (1929)\**  
*The South Dakota Code of 1939*  
*The 1952 Supplement to the South Dakota Code of 1939*  
*The 1960 Supplement to the South Dakota Code of 1939*  
*The South Dakota Compiled Laws of 1967*

\* Unofficial Compilations

The South Dakota Compiled/Codified Laws was originally published by The Allen Smith Company of Indianapolis, Indiana, a law book publisher. In 1985, The Allen Smith Company was purchased by The Michie Company, a law book publisher located in

Charlottesville, Virginia. Since then the Michie Company has been bought and sold several times, with Lexis/Nexis Publishing being the most recent parent company. The current code is published by Thomson West, which is owned by Reuters.

## **Contents**

### ***Bills and Resolutions***

Most, but not all, of the code is derived from legislative acts and resolutions. Bills signed into law, or approved without the Governor's signature, are divided into individual sections, which are then arranged according to subject matter. Each section is given a catchline or lead line that outlines its contents.

Joint Resolutions, which contain constitutional amendments or laws that must be voted on by the electorate before becoming law, are printed in the code, but they are not given section numbers until they have been approved by the electorate.

### ***Supreme Court Rules***

The Supreme Court has the constitutional authority to adopt rules governing the practice and procedure in state courts, the administration and terms of state courts, and the admission to practice and the discipline of attorneys. These rules are placed in the code in the same manner as legislative enactments. They may be amended or repealed by the Legislature. The Supreme Court may also amend or repeal statutes passed by the Legislature in these subject areas.

### ***Executive Orders***

The Governor has the constitutional authority to reorganize the executive agencies by combining or splitting existing agencies or creating new departments of government. The power does not extend to the legislative or judicial branches or to the constitutional offices, such as the Attorney General or Secretary of State.

These changes must be defined by Executive Orders that are presented to the Legislature on or before the fifth day of each legislative session. If either house disapproves an executive order anytime during the remainder of that session, the Executive Order is void. If not disapproved, changes outlined by Executive Orders are then incorporated into the code. Executive Orders may be superseded by subsequent legislation.

During the remainder of the year the Governor may establish special commissions, declare holidays, implement federal programs, or perform any other function that he has the constitutional or statutory authority to perform. These are usually done by issuing Executive Orders. These orders may not be disapproved by the Legislature, because the Governor is exercising powers already delegated to him. However, the Legislature

may limit the Governor's authority to issue future Executive Orders by passing a statute or proposing a constitutional amendment.

### ***Interstate Compacts***

Interstate compacts are agreements between states to act together to perform some function. They are passed as bills and go through the same procedure as other bills. They are printed in the code the same as other legislation and may be repealed or amended in the same manner as other legislation. However, some compacts require a waiting period before a state may withdraw from them. Some also require permission from the other compact members before a compact may be amended.

Examples of interstate compacts include: The Multistate Tax Compact, The Interstate Library Compact, The Interstate Compact to Conserve Oil and Gas, and The Belle Fourche River Compact.

### ***Annotations***

Besides the basic statutes, the code also contains additional material to aid in its use. A **source note**, printed after each section, gives the Session Law chapter and section number that shows where that section originated and each time it was amended. The source note also gives a citation number if that section was printed in the 1939 code. These allow the user to trace the history of the section to see how and when it was amended.

If a statute was copied from another state or from a uniform law, the **section number** of the other code is listed. This enables the user to see if there were court cases in other jurisdictions interpreting the section.

**Case notes** follow each section that has been interpreted by the South Dakota Supreme Court or the federal courts. The case note summarizes the part of the case involving that particular section. In 1997, the Code Commission decided to delete case notes over seven years old from the code. However, this decision has been reversed. Whenever a Supreme Court decision interprets a section of law, the case will be cited.

**Attorneys' General opinions** are also cited under the appropriate sections. Additional information includes **cross-references** to other statutes that affect the statute in question, ***South Dakota Law Review* articles** published by the law school at the University of South Dakota, and references to the **West key-number system of law digests**. Also included are references to the legal encyclopedias, ***American Jurisprudence***, ***Corpus Juris Secundum*** and ***American Law Reports***.

The following example is a composite of several statutes that shows all of the types of annotated material that is used in the code.

<i>Section Number</i>	<b>§ 15-9-1.</b>
<i>Catch Line</i>	<b>Security for costs required of nonresident plaintiff.</b>
<i>Statute Text</i>	In cases in which the plaintiff is a nonresident of the state or a foreign corporation or a foreign limited liability company at the time of commencing the action or if the plaintiff removes from the state after its commencement, the plaintiff shall furnish sufficient security for costs.
<i>Source Note</i>	<b>Source:</b> SDC 1939 & Supp 1960, § 33.1820; SL 1994, ch 351, § 36.
<i>Other State's Code</i>	See Cal Code Civ Proc, § 1036.
<i>Amendment Note</i>	<b>Amendments.</b> The 1994 amendment, near the middle of the section, inserted "or a foreign limited liability company" following "corporation," substituted "if the plaintiff" for "where he" preceding "removes," and substituted "the plaintiff shall" for "he must" preceding "furnish."
<i>Cross-References to SDCL</i>	<b>Cross-References.</b> Costs allowed, Chapter 15-17. Undertaking for costs or deposit required on appeal to Supreme Court, §§ 15-26A-23, 15-26A-24.
<i>Collateral References</i> <i>West's Key System</i> <i>Legal Encyclopedias</i>	<b>Collateral References.</b> Costs • 110. 20 Am Jur 2d, Costs, §§ 38, 39. 20 CJS, Costs, § 128. Joinder or addition of resident, nonresident's duty to furnish security for costs as affected by, 158 ALR 737.
<i>American Law Reports</i>	Security for costs, what is an action within statutes requiring, 131 ALR 1476.  Statute regarding security for costs as mandatory or permitting exercise of discretion, 84 ALR 252. Waiver of statute or court rule requiring nonresident plaintiff to give security for costs, 8 ALR 1510.

## Excluded Material

The code contains only statutes of a continuing and general nature. Temporary programs and commissions, transitional provisions and instructions to the code commission are not included. Appropriations, since they are usually effective for only one year, are also excluded. However, all the excluded material is printed in the Session Laws.

## Arrangement of Subjects and Numbering System

The code is broken into 71 major subjects that are called titles.

## South Dakota Codified Laws

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<b>Title</b>	<b>Title</b>
1. State Affairs and Government	31. Highways and Bridges
2. Legislature and Statutes	32. Motor Vehicles
3. Public Officers and Employees	33. Military Affairs
4. Public Fiscal Administration	33A. Veterans Affairs
5. Public Property, Purchases and Contracts	34. Public Health and Safety
6. Local Government Generally	34A. Environmental Protection
7. Counties	35. Alcoholic Beverages
8. Townships	36. Professions and Occupations
9. Municipal Government	37. Trade Regulation
10. Taxation	38. Agriculture and Horticulture
11. Planning, Zoning and Housing Programs	39. Food and Drugs
12. Elections	40. Animals and Livestock
13. Education	41. Game, Fish, Parks and Forestry
14. Libraries	42. Recreation and Sports
15. Civil Procedure	43. Property
16. Courts and Judiciary	44. Liens
17. Notice and Publication	45. Mining, Oil and Gas
18. Oaths and Acknowledgments	46. Water Rights
19. Evidence	46A. Water Management
20. Personal Rights and Obligations	47. Corporations
21. Judicial Remedies	48. Partnerships
22. Crimes	49. Public Utilities and Carriers
23. Law Enforcement	50. Aviation
23A. Criminal Procedure	51. Banks and Banking [Transferred]
24. Penal Institutions, Probation and Parole	51A. Banks and Banking
25. Domestic Relations	52. Savings and Loan Associations [Repealed]
26. Minors	53. Contracts
27. Mentally Ill and Retarded Persons [Transferred]	54. Debtor and Creditor
27A. Mentally Ill Persons	55. Fiduciaries and Trusts
27B. Developmentally Disabled Persons	56. Guaranty, Suretyship and Indemnity
28. Public Welfare and Assistance	57. Commercial Code [Transferred]
29. Succession and Wills [Repealed]	57A. Uniform Commercial Code
29A. Uniform Probate Code	58. Insurance
30. Probate and Guardianship Procedure [Repealed and Transferred]	59. Agency
	60. Labor and Employment
	61. Unemployment Compensation
	62. Workers' Compensation

In addition, Volume 1 contains the Magna Carta, Declaration of Independence, Articles of Confederation, Indian Treaties, Organic Law, Enabling Act and the state and federal constitutions.

Each title is broken into chapters and each chapter is broken into sections. The numbering system reflects this breakdown. It is a series of three numbers separated by hyphens, such as 1-6-8. The first number is the title. In this illustration, the name of title 1 is "State Affairs and Government." The first two numbers are the chapter numbers. Chapter 1-6 is named "State Emblems." All three numbers are the section

numbers. The catchline of section 1-6-8 is entitled "State animal." The text of § 1-6-8 is "The coyote is hereby designated as the state animal of South Dakota."

At the beginning of each title, the chapters within that title are listed, as follows:

<b>TITLE 2</b>	
<b>LEGISLATURE AND STATUTES</b>	
<b>Chapter</b>	<b>Section</b>
2-1. INITIATIVE AND REFERENDUM.....	2-1-1
2-2. LEGISLATIVE DISTRICTS.....	2-2-1
2-3. EMERGENCY INTERIM LEGISLATIVE SUCCESSION [REPEALED].	
2-4. SESSIONS OF LEGISLATURE.....	2-4-1
2-5. LEGISLATIVE OFFICERS AND EMPLOYEES.....	2-5-1
2-6. LEGISLATIVE COMMITTEES AND INVESTIGATIONS.....	2-6-1
2-7. LEGISLATIVE PRINTING, RECORDS AND JOURNALS.....	2-7-1
2-8. LEGISLATIVE FISCAL NOTES [REPEALED].	
2-9. LEGISLATIVE RESEARCH COUNCIL.....	2-9-1
2-10. REVISOR OF STATUTES [REPEALED].	
2-11. COMMISSION ON UNIFORM LEGISLATION.....	2-11-1
2-12. LOBBYISTS.....	2-12-1
2-13. PUBLICATION AND DISTRIBUTION OF ACTS AND SESSION LAWS.....	2-13-1
2-14. CONSTRUCTION AND EFFECT OF STATUTES.....	2-14-1
2-15. CONVENTIONS FOR AMENDMENT OF UNITED STATES CONSTITUTION.....	2-15-1
2-16. CODES AND COMPILATIONS.....	2-16-1
2-17. CONSTITUTIONAL REVISION COMMISSION [OBSOLETE].	

At the beginning of each chapter, the section catchlines are listed, as follows:

<b>CHAPTER 2-4</b>	
<b>SESSIONS OF LEGISLATURE</b>	
<b>Section</b>	
2-4-1.	Time and place of regular sessions.
2-4-1.1.	Leave of absence from employment for legislative service—Restrictions on employee's right to serve in Legislature void.
2-4-2.	Salary and expense allowances of legislators.
2-4-2.1.	Items constituting uncompensated expenses of legislators.
2-4-2.2.	Salary or per diem for members of the Legislature serving on committees.
2-4-3.	Superseded.
2-4-3.1.	Per diem of lieutenant governor for duties as board member.
2-4-4.	Time of payment of salaries and allowances.
2-4-5.	Repealed.
2-4-6.	Preventing Legislature or members from meeting as felony.
2-4-7.	Preventing legislator from attending or voting as misdemeanor.
2-4-8.	Compelling adjournment of Legislature as felony.
2-4-9.	Disturbance or disorderly conduct in Legislature as misdemeanor.
2-4-10.	Compelling action or inaction by Legislature as felony.
2-4-11, 2-4-12.	Repealed.
2-4-13.	Forfeiture of office by legislator convicted of violation—Disqualification from public office.
2-4-14.	Contempt of Legislature—Punishment.
2-4-15.	Contempt of Legislature as misdemeanor.

The numbering system is flexible so insertions can be made without disturbing the topical arrangement. If a new title should go between two existing titles, a letter is added to the title number. So, the new title 23A was inserted between the previous titles 23 and 24. The same arrangement is used for chapters. The new chapter 1-1A was inserted between the old chapters 1-1 and 1-2. Insertions between sections are made by adding a numerical suffix to section numbers. For example, when a new section was needed between sections 2-4-1 and 2-4-2, the new section was numbered 2-4-1.1.

## **Codification**

A compilation is a collection of laws. A code is a collection of laws that has been enacted, or codified, by a legislative body. As noted above under "History," some of the previous "codes" were, in fact, compilations rather than codifications. A bill is introduced each year to reenact or "codify" the legislation passed at the previous session that was published in the current pocket supplements to the code.

Codification is done for two reasons: First, enacting the previous year's legislation as part of the code prevents lawsuits challenging the procedure followed for the enactment of that legislation. For example, the Constitution requires that the title of a bill reflect what is in its body. If for some reason, because of amendments or otherwise, the title did not reflect what was in the bill, the courts can, and have in the past, find that a bill is void because its enactment was unconstitutional. Once a statute is incorporated into the code, that type of lawsuit can no longer be entertained. This provides for certainty in the law, because it removes a cloud that might otherwise hang over previous legislation.

Second, by continually codifying the pocket supplements, it is no longer necessary to refer to previous Session Laws in bill titles. For example, the title to Senate Bill 173 in 1966 read: "An Act to amend section 15.3004 of the 1960 Supplement to the South Dakota Code of 1939, as amended by Chapter 77, Session Laws of 1961, Chapter 82, Session Laws of 1963, Chapter 44, Session Laws of 1964 and Chapter 53, Session Laws of 1965, relating to school privileges for exceptional children."

## **Construction and Effect of Statutes**

Chapter 2-14 contains instructions on how statutes in the code are to be construed. For example, § 2-14-1 states "Words are to be understood in their ordinary sense except also that words defined or explained in § 2-14-2 are to be understood as thus defined or explained." Section 2-14-2 contains many definitions. For example, the word "day" means the period from midnight to midnight.

The remainder of the chapter contains instructions on how the code is to be interpreted. For example, masculine gender words include the feminine gender, singular words include the plural, and when a statute is amended twice by the same legislative session both amendments are to be given effect whenever possible.

## Effective Dates

The constitution (Art III, § 22) provides that an act may not become effective until ninety days have passed from the adjournment of the session in which it was passed, unless the Legislature declares it to be an emergency and passes it by a two-thirds vote of each house.

To bring consistency to effective dates, § 2-14-16 was adopted. It says that unless another date is specified in an Act, all acts passed at a regular session become effective on the July 1 following the adjournment of that session. If a session lasts beyond April 1, the July 1 effective date must be moved back because the constitutional provision takes precedence over the statutory provision.

Some legislation is passed with a delayed effective date, usually to allow affected persons to prepare for the changes required by that legislation. When this happens, the statutes are printed with a note in the catchline that reads (Effective July 1, 1996). Occasionally the same section is amended several times with different effective dates. In that case, the different versions of the statute are all printed, and each version is preceded with a note such as: (Effective through June 30, 1998) on the first version, (Effective July 1, 1998 through June 30, 1999) on the second version, and (Effective July 1, 2000) on the third.

## The Indexes

The general index to the code is republished every year in two softbound books, so it is always current. It is a topical index, not a random word index. Random entries in an index to statutes are misleading since they result in split or partial treatment. A systematic arrangement of main topical headings avoids this split treatment. Main headings treat subject matter exhaustively unless cross-references are made to other headings. Cross-references keep the index to a manageable size by reducing the amount of repetition under different headings.

Main headings were derived from the language used in the code, from the phraseology commonly used in the courts of South Dakota and from terminology commonly used in the legal profession. In addition phrases commonly applied to code sections have been added, such as frequently used nonlegal terms.

One of the most useful listings is the heading WORDS AND PHRASES. If a user wants to know if the word "contract" is defined, the index will show that the general definition is in § 53-1-1, but additional definitions are included in the chapters regulating buying clubs, discrimination in insurance, business and commerce, etc.

### WORDS AND PHRASES

Contracts, 53-1-1  
Agricultural machinery and equipment,  
37-5-5  
Business and commerce, 57A-1-201  
Buying clubs, 37-26-1  
Electronic transactions, 53-12-1  
Franchises, 37-5-12.3  
Insurance, discrimination, 58-33-13.2  
Loans, licenses and permits, 54-4-36  
Prompt payment, 5-26-1



## Parallel Tables

There is a separate volume of the code entitled "Parallel Tables." This contains cross-references between the 1919 Code, the 1939 Code and its supplements, and the Session Laws to the *South Dakota Codified Laws*. This allows a user with only a reference to one of the previous codes or to a Session Law citation to locate that provision in the *South Dakota Codified Laws*.

Session Laws of 1998		
Ch.	Sec.	SDCL
1	1	Omitted; see note following § 92-4-2
2	2	Omitted; see note following § 92-8-15
3	1	Omitted; see note following § 92-8
	2	Omitted; see note following § 92-8-2
	3	Omitted; see note following § 92-8-3
	4	Omitted; see note following § 92-8-7
	5	Omitted; see note following § 92-8-11
	6	Omitted; see note following § 92-8-13
4	1	1-1-2.5
5	1	1-5-11
6	1	1-5-10

## Copyright

Although legislative acts themselves are in the public domain and cannot be copyrighted, the added catchlines, reference sources, and the arrangement of material in the code are copyrighted by the State of South Dakota. The copyright was required by statute when the current code was authorized in 1966 to prevent persons from printing their own version of the official code. This had been a problem in prior years because the accuracy of private printings could not be guaranteed. Private persons may still publish their own codes if they provide their own editorial work.

## Use the PC to Find the Law

The entire text of the code, the state constitution, and the administrative rules are stored on the Legislative Research Council's computer server. These databases are used to print the code, bills, and the Session Laws. They can also be searched for particular words and phrases.

The law is on the WEB! You can use the Legislature's website to find, read and copy sections of the Constitution, statutes or administrative rules. Go to the Legislature's website at <https://www.sdlegislature.gov> and click on the South Dakota Codified Laws icon or the Administrative Rules icon. You will see a menu that lets you choose the way you want to find the law. If you already know the statutory citation, you can use

Quick Find. If you have an idea about what words or phrases may appear in a statute, you can enlist the aid of the Text Search capability. Once you find what you need, you can read it, copy it to your word processor or print it. Whenever you have access to the Web, you also have access to the law.

## **Code Commission**

The South Dakota Code Commission is the body charged with publishing material passed by the Legislature. The commission is composed of five members--a Senator appointed by the president pro tempore, a Representative appointed by the speaker, a member appointed by the Executive Board of the Legislative Research Council, and two members of the State Bar appointed by the president of the State Bar.

The editorial duties of the commission are contained in statute:

**2-16-9. Arrangement, correlation and text changes in code.** The South Dakota code commission is hereby authorized to make such changes as may be necessary to correct apparent errors, to correlate and integrate all the laws to harmonize, to assign new title and other designations, to eliminate or clarify obviously obsolete or ambiguous sections that exist, and to substitute terms or phraseology, and names of boards, commissions and agencies, wherever the Legislature has expressly or by implication indicated an intention to do so, so as to provide consistency in the law.

## **Other Publications**

### **South Dakota Law at Thomson Reuters Westlaw**

The statutes are available at Thomson Reuters Westlaw. This website contains everything printed in the bound volumes of the *South Dakota Codified Laws*, along with the complete text of the *Administrative Rules of South Dakota*, South Dakota Supreme Court Opinions, Attorney General Opinions and South Dakota Federal Court Opinions. You will need a password and user name for Thomson Reuters Westlaw to access this database. The LRC IT staff can help you with this.

### **Session Laws**

The *Session Laws* contain all the bills and joint resolutions approved at each session, all Supreme Court Rules adopted since the last Session Laws were published, and the Governor's Executive Orders that effect the reorganization of state agencies. The bills and resolutions, rules, and orders are printed exactly as enacted, including spelling and grammatical errors except that, to help people doing legal research, overstrikes and underscores are retained to show exactly how each section was amended. Individual bills and resolutions are arranged according to the subject order of the *South Dakota Codified Laws*.

### **Administrative Rules of South Dakota**

Administrative rules of executive branch agencies and constitutional officers are published by the Legislative Research Council in the *Administrative Rules of South Dakota*.

In 1972, the Legislature passed the Administrative Procedures Act (SDCL 1-26) which provided a procedure for adopting administrative rules, created the Interim Rules Review Committee to review all administrative rules, and required the publishing of all current rules. Before that time rules could be adopted by merely filing them with the Secretary of State. Most agencies did not publish their rules, and many did not even know which rules were currently in effect.

The *Administrative Rules of South Dakota* is divided into twenty-eight titles. The rules of each department are contained in separate titles. The titles are broken into many articles by major activity. So, for example, the Department of Labor and Regulation is title 20. The rules of the Insurance Division in that department are in article 20:06. Each article is broken into chapters and sections in much the same manner as the code is broken into chapters and sections. The hierarchy is as follows:

Title 1.  
Article 1:23.  
Chapter 1:23:45.  
Section 1:23:45:67.

Chapters and sections may be inserted between existing numbers by using decimal points. So, if a new chapter were inserted between chapter 1:23:45 and 1:23:46, it would be numbered chapter 1:23:45.01. If a section is inserted between section 1:23:45:67 and section 1:23:45:68, it would be numbered section 1:23:45:67.01.

Administrative agencies can only adopt rules authorized by the Legislature. Each rule must cite the statute that authorized the rule and the statutes that are implemented by the rule. If the Legislature repeals a statute that authorizes rules, all rules passed pursuant to that statute become void.

### ***South Dakota Register***

The *South Dakota Register* is a weekly newsletter that contains notices of hearings on proposed rules and proposed amendments of rules; synopses and effective dates of adopted rules, executive orders, executive appointments, and Supreme Court rules; and a list of pending public hearings. The publication is designed to keep interested persons informed of changes in administrative rules.

## **Definitions**

### **Administrative Rules of South Dakota (ARSD)**

The ARSD is a compilation of the rules and regulations of the executive branch and the constitutional officers. It is printed on 8 ½ x 11 inch paper with three punch holes so the pages fit into standard three-ring binders. It is continually updated.

### **Code Commission**

The Code Commission has the duty to provide for, and supervise, the publishing of the code. It also adopts guidelines for the editorial work in this publication and decides which volumes of the code will be reprinted each year.

**Code Counsel**

The Code Counsel is appointed by the Legislative Research Council Executive Board. The Code Counsel's job is to carry out the editorial and printing instructions of the Code Commission.

**Session Laws**

The *Session Laws* is a one-volume, softbound book containing all the bills and joint resolutions passed by the Legislature each year. The publication also contains Supreme Court rules and certain of the Governor's Executive Orders. The laws passed at special sessions are included in the following year's *Session Laws*.

***South Dakota Codified Laws (SDCL, The Code)***

The *South Dakota Codified Laws* is the official code of the State of South Dakota. It is a set of 38 hardbound books with yearly pocket supplements and a yearly two-volume, softbound general index. References to "the code" in statute mean this publication. The books have brown covers, red and brown spines and gold printing on the covers and spines.

## Legislative Technology

One of the recommendations of NCSL's 2013 LRC Management Audit was that the South Dakota Legislature should be more self-reliant and independent in the area of technology. In April 2014, the Executive Board directed LRC to begin the work of implementing an independent IT network, separate from the executive branch. After a year of planning and implementation work, LRC's IT team brought the new system online in May 2016. The 2017 session was the first session of the South Dakota Legislature operating under its own IT systems. The team has since developed the legislative fiscal staff's first budget database, used for tracking state agency appropriations and expenditures by fiscal year, and is beginning a major overhaul of LRC's bill writing, tracking, and legislative work flow systems. When complete, the new system will provide legislators with better tools for accessing, tracking, and sharing information electronically, create new tools such as showing amendments in the context of the statute, will provide staff with better tools for tracking, preserving, and organizing information, and will automate many manual, paper-based processes, freeing up legislator and staff time for more productive activities.

The Legislative IT department is responsible for the design, development and maintenance of Legislature's Technology Infrastructure. This includes:

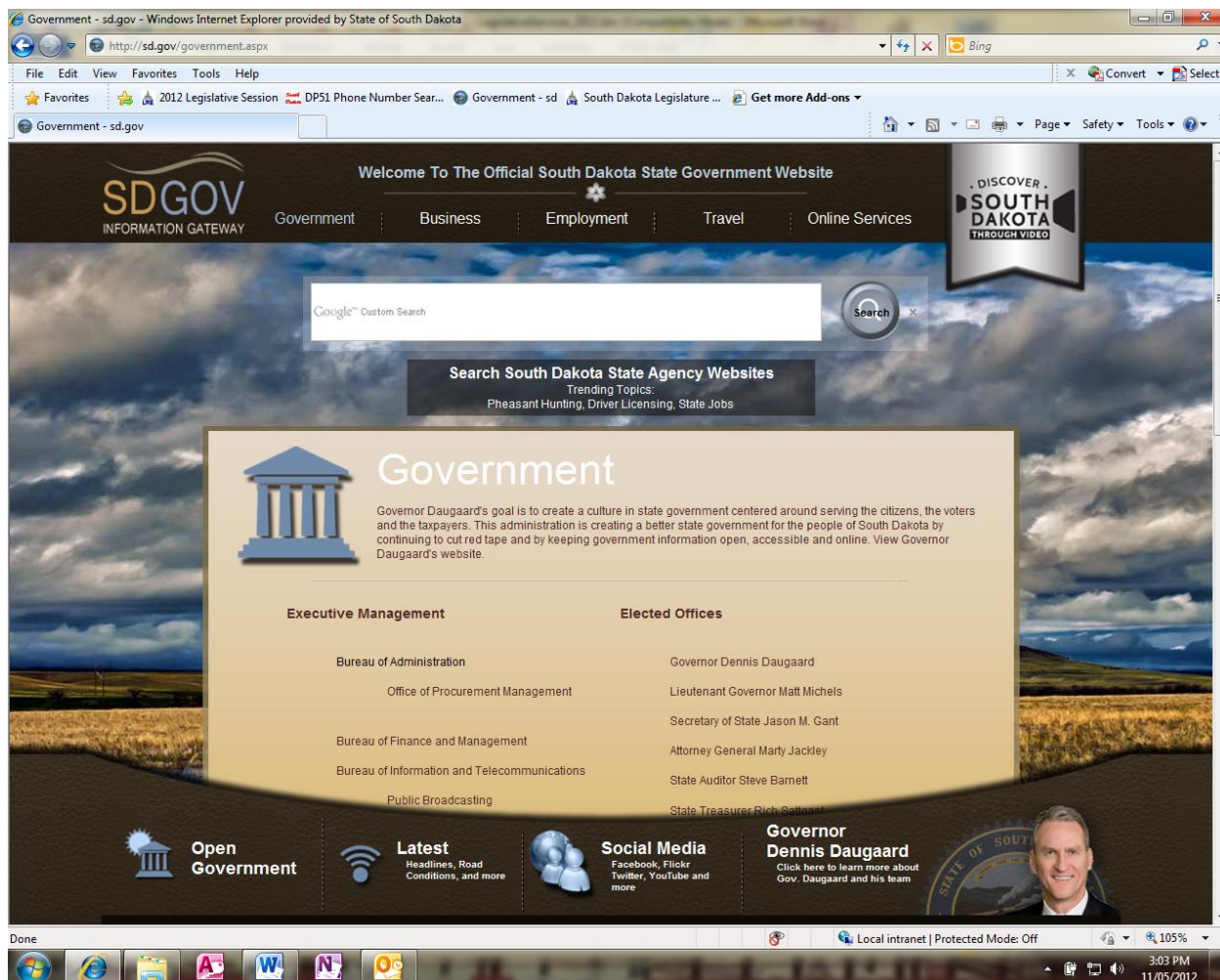
- Network (Wireless/Wired)
- File Servers
- Mail Servers
- Database Servers
- Application Servers
- Web Server
- Web Site Development
- Application Development
- Help Desk Support

The Legislature's Website (<https://sdlegislature.gov/>) is the most complete source of legislative information and should be the first place checked when looking for any legislative information. It contains information on sessions back to 1997, a complete set of the South Dakota Codified Laws, all Administrative Rules, and much other information.

## On-Line State Telephone Directory

An online listing is available to anyone with Internet access. You can search for a phone number by name, agency, number, or office. Toll-free numbers and conference room numbers can also be searched. Agencies are responsible for updating their telephone directory information.

Go to the State's Home Page at <http://sd.gov/government.aspx> and click on Open Government. That will take you to the state telephone directory.



The screenshot shows the South Dakota State Government Website in a Windows Internet Explorer browser. The address bar displays <http://sd.gov/government.aspx>. The website header includes the SDGOV logo and navigation links for Government, Business, Employment, Travel, and Online Services. A search bar is prominently featured, with a button labeled "Search South Dakota State Agency Websites" and trending topics: Pheasant Hunting, Driver Licensing, and State Jobs. The main content area is titled "Government" and features a blue icon of a classical building. Below this, a paragraph states: "Governor Dugaard's goal is to create a culture in state government centered around serving the citizens, the voters and the taxpayers. This administration is creating a better state government for the people of South Dakota by continuing to cut red tape and by keeping government information open, accessible and online. View Governor Dugaard's website." The page is organized into two columns: "Executive Management" and "Elected Offices".

Executive Management	Elected Offices
Bureau of Administration	Governor Dennis Dugaard
Office of Procurement Management	Lieutenant Governor Matt Michels
Bureau of Finance and Management	Secretary of State Jason M. Gant
Bureau of Information and Telecommunications	Attorney General Marty Jackley
Public Broadcasting	State Auditor Steve Barnett
	State Treasurer Rich Setgaard

At the bottom of the page, there are four sections: "Open Government" with a sun icon, "Latest" with a Wi-Fi icon and text "Headlines, Road Conditions, and more", "Social Media" with a globe icon and text "Facebook, Flickr, Twitter, YouTube and more", and "Governor Dennis Dugaard" with a portrait photo and text "Click here to learn more about Gov. Dugaard and his team". The browser's taskbar at the bottom shows the system tray with the date 11/05/2012 and time 3:03 PM.

## Road Reports

<http://safetravelUSA.com/sd>

The Department of Transportation publishes the Winter Road Condition Report three times a day beginning early November through late March. After late March the Department provides intermittent reports only when a major storm causes poor road conditions over a major portion of the state. A statewide map is displayed at the Web site. Click on the area you are traveling through for winter driving conditions.

## Legislative Fiscal and Program Analyst Assignments

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**Vacant**, Fiscal and Program Analyst 773-4302



# Research and Legal Services Division Assignments

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## Research and Bill Drafting Subject Areas and Committee Assignments

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### [David Ortbahn, Chief Research and Legal Analyst](#)

Aeronautics, Economic Development, Elections, Energy, Game, Fish & Parks, Insurance (Financial Responsibility), Insurance (Motor Vehicle), Legislative Procedure, Lottery, Motor Vehicles, Public Safety, Railroads, Redistricting, State Affairs, Taxation (Motor Vehicle Tax), Telecommunications, Transportation (Highways), Water Management and Drainage.

Committees: House State Affairs and House Transportation.

### [Clare Charlson, Principal Research Analyst](#)

Education (K-12), Environmental Protection, Health, Higher Education (BOR), Human Services, Legislative Procedure, Military, State Aid to Education Funding Formula, Veterans, Workforce Development.

Committees: Senate State Affairs, Senate Education, and House Local Government

### [Amanda Jacobs, Senior Research Analyst](#)

Agriculture, Alcohol & Alcohol Tax, Brand Laws, Environmental Protection, Game, Fish & Parks, Local Government, Mining, Motor Vehicles, Natural Resources, Nursing Homes, Planning & Zoning, School & Public Lands, Taxation (General), Taxation (Income Tax), Taxation (Motor Vehicle Tax), Taxation (Precious Metals Tax), Taxation (Severed Mineral Interests), Transportation (Highways), Veterans, Water Management and Drainage.

Committees: Senate Transportation, Senate Taxation, and House Ag & Natural Resources

### [Wenzel Cummings, Senior Legislative Attorney](#)

Alcohol & Alcohol Tax, Banking, Bankruptcy, Commerce & Business, Corrections/Juvenile Justice, Courts & Civil Procedure, Criminal Law & Procedure, Elections, Gun Laws, Insurance (General), Insurance (Liability), Law Enforcement, Local Government, Mental Health, Military, Prison/Jail Cost Estimate Statements, Probate, Professional Boards & Commissions, Tribal & State Relations.

Committees: Senate Commerce and Energy, Senate Military and Veteran's Affairs, and House Judiciary

### [Emily Kerr, Legislative Attorney](#)

Affordable Care Act, Americans with Disabilities Act (ADA), Banking, Bankruptcy, Child Support, Commerce & Business, Courts & Civil Procedure, Domestic Relations & Women's Rights, Health, Human Services, Insurance (General), Insurance (Liability), Insurance (Unemployment Insurance), Intern Program, Labor, Mental Health, Nursing Homes, Prison/Jail Cost Estimate Statements, Probate, Professional Boards & Commissions, Social Services & Social Welfare, Tribal & State Relations, Workers' Compensation, Workforce Development.

Committees: Senate Local Government, Senate Health and Human Services, and Senate Judiciary

### [Alex Timperley, Legislative Attorney](#)

Alcohol & Alcohol Tax, Bonding & Bonding Authorities, Corrections/Juvenile Justice, Courts & Civil Procedure, Criminal Law & Procedure, Energy, Gambling, Law Enforcement, Lottery, Prison/Jail Cost Estimate Statements, Public Safety, Taxation (General), Taxation (Precious Metals Tax), Taxation (Severed Mineral Interests).

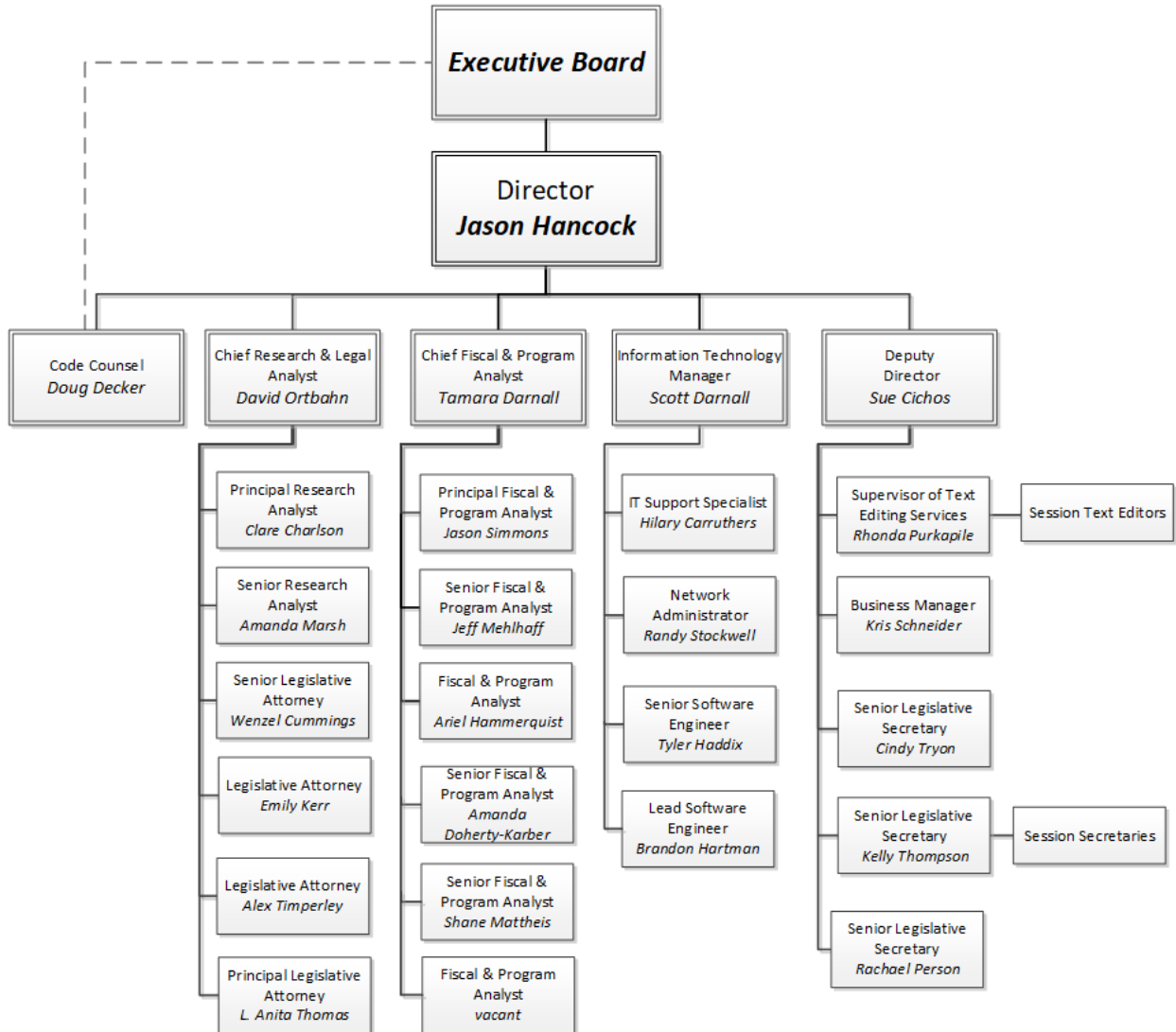
Committees: House Commerce and Energy and House Taxation

### [L. Anita Thomas, Principal Legislative Attorney](#)

Agriculture, Brand Laws, Child Support, Domestic Relations & Women's Rights, Economic Development, Education (K-12), Gambling, Gun Laws, Higher Education (BOR), Labor, Law Enforcement, Local Government, Lottery, Mining, Natural Resources, Planning & Zoning, School & Public Lands, Social Services & Social Welfare, State Aid to Education Funding Formula, Workers' Compensation.

Committees: Senate Ag & Natural Resources, House Education, and House Health and Human Services

# Organizational Chart



Updated: 12/4/2018



A detailed staff directory is available online at:  
<http://sdlegislature.gov/LRCStaff/StaffListingByDivision.aspx>.

# Chapter 3 LEGISLATIVE RULES

## SENATE RULES Table of Contents

CHAPTER 1.PRESIDING OFFICER  
CHAPTER 2.FLOOR PRIVILEGES, SEATING, AND MEETINGS  
CHAPTER 3.OFFICERS AND EMPLOYEES  
CHAPTER 4.COMMITTEES  
CHAPTER 5.RULES  
CHAPTER 6.CONSENT CALENDAR  
CHAPTER 7.NOMINATIONS FROM THE GOVERNOR  
CHAPTER 8.DISCIPLINE AND EXPULSION OF MEMBERS

### CHAPTER 1. PRESIDING OFFICER

#### CONSTITUTIONAL PROVISIONS

*Art. IV, Sec. 5. Powers and duties of lieutenant governor. THE LIEUTENANT GOVERNOR SHALL BE PRESIDENT OF THE SENATE BUT SHALL HAVE NO VOTE UNLESS THE SENATORS BE EQUALLY DIVIDED.*

#### RULES

**S1-1. President pro tempore presides in absence of president.** If the president is absent or unable to serve, the president pro tempore shall act as presiding officer of the Senate. The acts of the president pro tempore have the same validity as those of the president.

**S1-2. Presiding officer in absence of president and president pro tempore.** If the president and the president pro tempore are absent or unable to serve, any member called to the chair by the Senate may serve as presiding officer. When in session, the presiding officer, in the absence of the pro tempore, may designate any member to perform the duties of the presiding officer, but the designation may not extend beyond an adjournment. The acts of such a member have the same validity as those of the president.

### CHAPTER 2. FLOOR PRIVILEGES, SEATING, AND MEETINGS

**S2-1. Repealed.**

**S2-2. Seating assignments.** The president pro tempore of the Senate, with the advice of the minority leader, shall make the seating assignments for the floor of the Senate.

**S2-3. Hour of meeting.** The hour of meeting of the Senate is 2:00 p.m. on each legislative day unless otherwise ordered by the Senate.

**S2-4. Introduction of honored guests.** Any Senator may, with the prior approval of the presiding officer, present honored guests for introduction on the floor of the chamber. Any honored guest should be a representative of some noteworthy event, charity, or benevolent organization or the recipient of some significant honor, title, or award and shall be briefly conducted onto the Senate floor from the legislators' side lobby. However, all such presentations may only occur during the first hour of business, and the honored guests may not address any remarks to the Senate. Introduction shall be made by the presiding officer or their designee.

### **CHAPTER 3. OFFICERS AND EMPLOYEES**

**S3-1. Elective officers.** The officers of the Senate are a president pro tempore of the Senate, a secretary of the Senate and such other officers necessary to conduct the business of the Senate, who shall be formally elected by a majority vote of the members-elect of the Senate. Employees necessary to conduct the business of the Senate shall be appointed by the president pro tempore and their appointment shall be announced at the opening of the session.

### **CHAPTER 4. COMMITTEES**

**S4-1. Standing committees.** The presiding officer of the Senate shall announce the members of the following standing committees after their selection by the president pro tempore and the minority leader. The number of members is indicated after each committee:

1. Agriculture and Natural Resources (9)
2. Appropriations (9)
3. Commerce and Energy (7)
4. Education (7)
5. Government Operations and Audit (5)
6. Health and Human Services (7)
7. Judiciary (7)
8. Legislative Procedure (7)
9. Local Government (7)
10. Military and Veterans Affairs (5)
11. Retirement Laws (5)
12. State Affairs (9)
13. Taxation (7)
14. Transportation (7)

The president of the Senate is an ex officio member of the committee on legislative procedure.

**S4-2. Chairs of standing committees.** The president pro tempore of the Senate shall serve as the chair of the legislative procedure committee. For other committees, the member of a committee announced first is the chair. In the absence of the chair, the member announced next shall act as chair, and so on as often as necessary.

**S4-3. Referral of bills to committee.** Upon the first reading of a bill, the president pro tempore of the Senate or his designee shall assign that bill to an appropriate committee for hearing.

## **CHAPTER 5. RULES**

Upon the first reading of a bill, the president pro tempore of the Senate or his designee shall assign that bill to an appropriate committee for hearing.

**S5-1. Adoption, suspension, or amendment of rules.** A motion to adopt the rules of the Senate shall be decided by a majority of the members-elect, subject to debate. A motion to suspend or amend a rule of the Senate shall be decided by a two-thirds majority of the members-elect, subject to debate.

**S5-2. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative Procedure* governs the proceedings of the Senate in all cases not covered by these rules or the Joint Rules.

**S5-3. Conflicting rules.** If the Senate rules and the Joint Rules conflict, the Senate rules govern.

## **CHAPTER 6. CONSENT CALENDAR**

**S6-1. Consent calendar.** Notwithstanding Joint Rule 13-1, a bill requiring a two-thirds vote of the members-elect may not be voted on the Senate consent calendar. If such a bill is placed on the Senate consent calendar, the presiding officer shall order it removed and placed on the next legislative day's regular bill calendar.

**S6-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-4, after allowing a reasonable time for questions from the floor on the bills and resolutions on the consent calendar and after permitting the proponents to answer the questions, the president of the Senate shall call for a vote on the consent calendar. Approval of the consent calendar by a majority of the members-elect of the Senate is considered final disposition of all the bills and resolutions on the consent calendar.

## **CHAPTER 7. NOMINATIONS FROM THE GOVERNOR**

**S7-1. Confirmation procedure.** Nominations from the Governor shall be referred to a standing or select committee. A committee receiving such a referral shall conduct hearings on the fitness and qualifications of the nominee to serve in the post for which the nominee has been nominated. After the hearings and subsequent deliberations, the committee shall report to the full Senate its recommendation that the nomination should

or should not receive the consent of the Senate. Following the committee report, action on the confirmation shall be set for a day certain on the legislative calendar. In committee and on the floor, consideration of the Governor's appointments that require Senate confirmation shall take place in open session unless otherwise ordered by a majority of the body present.

**S7-2. Time for taking final action.** Final action on nominations by the Governor may not be taken until the second legislative day after receiving the nomination. This rule does not apply to a nomination received during the three final legislative days.

**S7-2.1. Uncontested nomination on consent calendar.** Each standing committee may report an uncontested nomination out of committee with recommendation that it be placed on the consent calendar where it shall be subject to Joint Rules 13-2, 13-3, and 13-4.

**S7-3. Motion of advice and consent.** On considering nominations from the Governor, the presiding officer shall put the following question: "Does the Senate advise and consent to the executive appointment of (name) pursuant to the executive message as found on page \_\_\_\_ of the Senate Journal?"

**S7-4. Vote requirements.** Confirmation of nominations from the Governor requires a majority vote of the members-elect.

**S7-5. Reconsideration of vote.** While a nomination from the Governor remains within the Senate, the members may reconsider any vote taken on it.

**S7-6. Written notice of final action.** Upon final action, the secretary of the Senate shall notify the Governor and the secretary of state in writing of the action of the body.

## **CHAPTER 8. DISCIPLINE AND EXPULSION OF MEMBERS**

**S8-1. Select Committee on Discipline and Expulsion.** Any two senators may by written motion first delivered to the president pro tempore move for the establishment of a Select Committee on Discipline and Expulsion to investigate the conduct of any other senator. Upon being seconded, the motion is debatable, and passage of the motion requires a majority vote of the members elect. The Select Committee on Discipline and Expulsion shall be composed of nine members of the Senate. The chair and vice chair of the select committee shall be chosen by the president pro tempore and may not both be members of the same political party. The other seven members of the select committee shall be chosen by the president pro tempore in consultation with the majority leader and the minority leader. No more than five members may be of the same political party.

**S8-2. Meetings; notice; quorum; vote.** All meetings of the Select Committee on Discipline and Expulsion shall be held in the Capitol. A majority of the members of the committee constitutes a quorum. The affirmative vote of majority of those present and voting, assuming a quorum, is required for actions of the committee.

All meetings of the Select Committee on Discipline and Expulsion are open meetings in like manner to any other Senate committee meeting. All meetings shall be webcast and archived in like manner to any other Senate committee meeting.

All meetings of the Select Committee on Discipline and Expulsion shall be scheduled at times that are not in conflict with any other official Senate business. All members of the Senate have the right to be present during all of the select committee's meetings.

**S8-3. Oath.** Prior to consideration of any matter referred to it, except establishing a quorum, the members of the select committee shall subscribe to the following oath, which shall be administered by the Secretary of the Senate.

"I do solemnly swear (affirm) that in all things appertaining to the matter referred to this select committee, I will do impartial justice according to the Constitution, laws, Joint Rules, and Senate Rules of the State of South Dakota. I do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Senate Select Committee on Discipline and Expulsion in the aforesaid matter, according to the best of my ability and understanding, so help me God."

**S8-4. Procedure in committee.** The Select Committee on Discipline and Expulsion shall:

(1) Conduct all hearings in like manner to any other Senate committee meeting, and only after informing the member who is the subject of the hearing in writing of the date and time of each meeting held for the purpose;

(2) Invite the member who is the subject of the hearing to attend all meetings of the committee in person and to be accompanied by legal counsel, or to be represented at the hearings by legal counsel of the member's choice and at the member's own expense;

(3) Afford the member full opportunity to present the member's position, to present witnesses in support of the member's position, and extend the opportunity to confront and to question witnesses called by the committee;

(4) Advise the member immediately of the date and time of each meeting, in cases where the committee adjourns prior to completing its work and submitting its report to the Senate.

If the Senate is called into special session for the express purpose of investigating the conduct of a Senator, the member is deemed to have received constructive notice within the provisions of this rule.

**S8-5. Subpoena power; punishment for contempt.** The select committee is hereby specifically and expressly granted the power and authority, with the written approval of the chair of the committee, or the approval of a majority of the members of the committee, to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and to do all other things necessary to accomplish the purpose of its hearings and deliberations.

If a subpoena is not honored, the select committee also has the power to punish for contempt and to provide for the prosecution of any person for refusal to testify, false swearing, or perjury before the select committee in accordance with law.

**S8-6. Receipt of resignation; authority of the chair.** If, prior to resolution of the investigation, a written resignation signed by the Senator who is the subject of the investigation has been received by the chair, the chair may terminate the meetings of the select committee.

**S8-7. Select committee report.** Any action to expel, censure, discipline, or exonerate a Senator shall be proposed in a select committee report of the Select Committee on Discipline and Expulsion. If the select committee report calls for expulsion, censure, or discipline, the report shall set forth the causes and grounds for which expulsion, censure, or discipline is being recommended by the Senate, and it shall state the particular form of action recommended to the Senate. If the select committee report calls for exoneration, the report shall set forth the reasons why exoneration is appropriate.

**S8-8. Procedure in the Senate.** Adoption of a select committee report for the expulsion of a Senator requires the favorable vote of a two-thirds majority of the elected members. Adoption of a select committee report for the censure or discipline of a Senator requires the favorable vote of a three-fifths majority of the elected members. Adoption of a select committee report for the exoneration of a Senator requires the favorable vote of a majority of the elected members.



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**CHAPTER 1.**  
**PRESIDING OFFICER**

**STATUTORY PROVISIONS**

**§ 2-5-3. Elective officers of house.** *The elective officers of the House of Representatives shall be a speaker and a speaker pro tempore, who shall be members of that body, one chief clerk and such other officers as shall be necessary to properly conduct the business of the House of Representatives.*

**§ 2-5-3.1. Tie vote for organizing House of Representatives.** *In the event that there is a tie vote for purposes of organizing the House of Representatives then, for the purposes of organization, the political party's candidate for speaker of the house, speaker pro tempore and clerk, then having a member of its party duly elected as the Governor of the state of South Dakota shall be deemed to be elected.*

**RULES**

**H1-1. Elective officers, employees.** The officers of the House of Representatives are a speaker, a speaker pro tempore, a chief clerk and such other officers necessary to conduct the business of the House, who shall be formally elected by a majority vote of the members-elect of the House. Employees necessary to conduct the business of the House shall be appointed and announced by the speaker.

**H1-2. Actions of the speaker pro tempore, other presiding officers.** The speaker pro tempore shall act as presiding officer of the House of Representatives if the speaker is absent or unable to serve. The acts of the speaker pro tempore have the same validity as those of the speaker. If the speaker and the speaker pro tempore are absent or unable to serve, any member called to the chair by the House of Representatives may serve as presiding officer. When in session, the presiding officer, in the absence of the speaker pro tempore, may designate any member to perform the duties of the presiding officer, but the designation may not extend beyond an adjournment. The member's actions have the same validity as those of the speaker.

**H1-3. Votes by the speaker.** The speaker shall vote on all questions taken by yeas and nays and shall vote in any election or division called for by any member. The speaker may, by relinquishing the chair, assume all rights and privileges of a member of the House.

**H1-4. Hour of meeting.** The hour of meeting of the House of Representatives is 2:00 p.m. on each legislative day unless otherwise ordered by the House.

**H1-5. Seating assignments.** The speaker of the House shall, with the advice of the majority and minority leaders, make seating assignments for the floor of the House of Representatives.

## **CHAPTER 2. DECORUM**

**H2-1. Repealed.**

**H2-2. Repealed.**

**H2-3. Repealed.**

## **CHAPTER 3. COMMITTEES**

**H3-1. Appointment of standing committees.** The speaker of the House of Representatives shall, with advice from the minority leader, appoint the members of the following standing committees with the number of members as indicated after each committee and shall appoint the chair and vice chair of each committee:

1. Agriculture and Natural Resources (13)
2. Appropriations (9)
3. Commerce and Energy (13)
4. Education (15)
5. Government Operations and Audit (5)
6. Health and Human Services (13)
7. Judiciary (13)
8. Legislative Procedure (7)
9. Local Government (13)
10. Retirement Laws (5)
11. State Affairs (13)
12. Taxation (15)
13. Transportation (13)

In the absence of the committee chair, the vice chair shall act as chair. The speaker and speaker pro tempore are members of the legislative procedure committee, and the speaker shall serve as chair of the legislative procedure committee.

## **CHAPTER 4. RULES**

**H4-1. Adoption, suspension, or amendment of House rules.** A motion to adopt rules of the House of Representatives shall be decided by a majority of the members-elect and is subject to debate. A motion to suspend or amend a rule of the House of

Representatives shall be decided by a two-thirds majority of the members-elect and is subject to debate.

**H4-2. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative Procedure* governs the proceedings of the House of Representatives in all cases not covered by these rules or the Joint Rules.

**H4-3. Conflicting rules.** If the rules of the House of Representatives and the Joint Rules conflict, the rules of the House of Representatives govern.

## **CHAPTER 5. VOTING PROCEDURE**

**H5-1. Electronic voting system.** The electronic voting system is under the control of the presiding officer and shall be operated at the presiding officer's direction by the chief clerk or the chief clerk's designee. The names of the members shall be listed on the electronic roll call board in alphabetical order, except the name of the speaker of the House, which shall be last.

**H5-2. Votes to be taken on the electronic system.** On any question requiring the "yeas" and "nays" to be entered upon the journal, the electronic voting system shall be used. On any such question, neither individual votes nor vote totals may be displayed to any person including the presiding officer until the time for voting has expired and the voting system has been locked. If the electronic voting system is not in operating order at the time to vote on any such question, the presiding officer shall order that all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the speaker of the House, which shall be last.

**H5-3. Other votes.** On all other questions to be voted upon, except upon elections, the presiding officer may order the "yeas" and "nays" to be taken by the electronic voting system, voice vote, or standing vote. Upon demand of a member requesting a division before the result of a vote has been announced by the presiding officer, the "yeas" and "nays" may be taken by the electronic voting system.

**H5-4. Electronic voting system malfunctions.** The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered upon the journal, if the member was in the House chamber at the time of the vote and voted at the appropriate time, and the malfunction is reported to the presiding officer before the presiding officer's announcement of the result of the vote.

**H5-5. Voting procedures.** When the House is ready to vote upon any question using the electronic voting system, the presiding officer shall state: "The question is . . . (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed shall vote 'nay'." The presiding officer shall then direct the chief clerk to unlock the voting system and announce, "The House will now proceed to vote."

When, in the judgment of the presiding officer, reasonable time has been allowed all members present in the House to vote, the presiding officer shall ask the question: "Have all members present voted?" After a pause, the presiding officer shall direct the

chief clerk to record those members who are "Absent" or "Excused" and to lock the voting system after late votes, if any, are recorded, and to display and record the individual and total votes. The presiding officer shall then announce the vote. The chief clerk shall enter upon the journal the result in the manner provided by the joint rules of the Legislature.

**H5-6. Changing votes.** Any member may change a vote after the vote recording equipment has started to operate if the member rises and, when recognized by the presiding officer, announces the change before the result of the vote has been announced by the presiding officer.

**H5-7. Voting records.** On any question requiring the "yeas" and "nays" to be entered upon the journal, the chief clerk shall retain one copy of the recorded vote on the electronic voting system and provide it for purposes of the daily journal.

**H5-8. Members to vote electronically from their desks, exceptions.** A member may vote on the electronic voting system only when at the member's desk. However, the presiding officer may authorize the chief clerk to call the names of members who are on the floor but not at their desks at the time of a vote and to record the votes of such members on the electronic voting system. If a member other than the speaker of the House is presiding, the chief clerk shall switch the voting system to allow the designated member presiding to vote in the presiding officer's station.

**H5-9. Voting by proxy prohibited.** No member may vote for another member; nor may any other person cast a vote for a member, except as otherwise provided in these rules. Any member who votes or attempts to vote for another member, or a person not a member who votes or attempts to vote for a member, is in contempt of the House and may be punished pursuant to law.

**H5-10. Tampering with electronic voting equipment prohibited.** Any member or other person who willfully tampers with or attempts to disarrange, deface, impair or destroy in any manner whatsoever the electronic voting equipment used by the House of Representatives, or who instigates, aids or abets with the intent to destroy or change the record of votes thereon, is in contempt of the House and may be punished pursuant to law.

**H5-11. Voting machine for session use only.** The electronic voting equipment may only be used when the House of Representatives is in session.

## **CHAPTER 6. DISCIPLINE AND EXPULSION OF MEMBERS**

**H6-1. Select Committee on Discipline and Expulsion.** Any two Representatives may by written motion first delivered to the speaker move for the establishment of a Select Committee on Discipline and Expulsion to investigate the conduct of any other Representative. Upon being seconded, the motion is debatable, and passage of the motion requires a majority vote of the members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine members of the House of Representatives. The chair and vice chair of the select committee shall be chosen by

the speaker of the House and may not both be members of the same political party. The other seven members of the select committee shall be chosen by the speaker of the House in consultation with the majority leader and the minority leader. No more than five members may be of the same political party.

**H6-2. Meetings; notice; quorum; vote.** All meetings of the Select Committee on Discipline and Expulsion shall be held in the Capitol. A majority of the members of the committee constitutes a quorum. The affirmative vote of a majority of those present and voting, assuming a quorum, is required for actions of the committee.

All meetings of the Select Committee on Discipline and Expulsion are open meetings in like manner to any other House of Representatives committee meeting. All meetings shall be webcast and archived in like manner to any other House of Representatives committee meeting.

All meetings of the Select Committee on Discipline and Expulsion shall be scheduled at times that are not in conflict with any other official House of Representatives business. All members of the House of Representatives have the right to be present during all of the select committee's meetings.

**H6-3. Oath.** Prior to consideration of any matter referred to it, except establishing a quorum, the members of the select committee shall subscribe to the following oath, which shall be administered by the chief clerk of the House of Representatives:

"I do solemnly swear (affirm) that in all things appertaining to the matter referred to this select committee, I will do impartial justice according to the Constitution, laws, Joint Rules, and House Rules of the State of South Dakota. I do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the House Select Committee on Discipline and Expulsion in the aforesaid matter, according to the best of my ability and understanding, so help me God."

**H6-4. Procedure in committee.** The Select Committee on Discipline and Expulsion shall:

1. Conduct all hearings in like manner to any other House of Representatives committee meeting, and only after informing the member who is the subject of the hearing in writing of the date and time of each meeting held for the purpose;
2. Invite the member who is the subject of the hearing to attend all meetings of the committee in person and to be accompanied by legal counsel, or to be represented at the hearings by legal counsel of the member's choice and at the member's own expense;
3. Afford the member full opportunity to present the member's position, to present witnesses in support of the member's position, and extend the opportunity to confront and to question witnesses called by the committee;
4. Advise the member immediately of the date and time of each meeting, in cases where the committee adjourns prior to completing its work and submitting its report to the House of Representatives.

If the House of Representatives is called into special session for the express purpose of investigating the conduct of a Representative, the member is deemed to have received constructive notice within the provisions of this rule.

**H6-5. Subpoena power; punishment for contempt.** The select committee is hereby specifically and expressly granted the power and authority, with the written approval of the chair of the committee, to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and to do all other things necessary to accomplish the purpose of its hearings and deliberations.

If a subpoena is not honored, the select committee also has the power to punish for contempt and to provide for the prosecution of any person for refusal to testify, false swearing, or perjury before the select committee in accordance with law.

**H6-6. Receipt of resignation; authority of the chair.** If, prior to resolution of the investigation, a written resignation signed by the Representative who is the subject of the investigation has been received by the chair, the chair may terminate the meetings of the select committee.

**H6-7. Select committee report.** Any action to expel, censure, discipline, or exonerate a Representative shall be proposed in a select committee report of the Select Committee on Discipline and Expulsion. If the select committee report calls for expulsion, censure, or discipline, the report shall set forth the causes and grounds for which expulsion, censure, or discipline is being recommended by the House of Representatives, and it shall state the particular form of action recommended to the House of Representatives. If the select committee report calls for exoneration, the report shall set forth the reasons why exoneration is appropriate.

**H6-8. Procedure in the House of Representatives.** Adoption of a select committee report for the expulsion of a Representative requires the favorable vote of a two-thirds majority of the elected members. Adoption of a select committee report for the censure or discipline of a Representative requires the favorable vote of a three-fifths majority of the elected members. Adoption of a select committee report for the exoneration of a Representative requires the favorable vote of a majority of the elected members.

## **CHAPTER 7. CONSENT CALENDAR**

**H7-1. Consent calendar.** Notwithstanding Joint Rule 13-1, a bill requiring a two-thirds vote of the members-elect may not be voted on the House consent calendar. If such a bill is placed on the House consent calendar, the presiding officer shall order it removed and placed on the next legislative day's regular bill calendar.

**H7-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-4, after allowing a reasonable time for questions from the floor on the bills and resolutions on the consent calendar and after permitting the proponents to answer the questions, the speaker of the House shall call for a vote on the consent calendar. Approval of the consent calendar by a majority of the members-elect of the House is considered final disposition of all the bills and resolutions on the consent calendar.

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**CHAPTER 1.**  
**PRESIDING OFFICER - ORDER AND DEBATE**

**CONSTITUTIONAL PROVISIONS**

***Art. III, Sec. 19. Signing of bills and resolutions. THE PRESIDING OFFICER OF EACH HOUSE SHALL, IN THE PRESENCE OF THE HOUSE OVER WHICH HE PRESIDES, SIGN ALL BILLS AND JOINT RESOLUTIONS PASSED BY THE LEGISLATURE, AFTER THEIR TITLES HAVE BEEN PUBLICLY READ IMMEDIATELY BEFORE SIGNING, AND THE FACT OF SIGNING SHALL BE ENTERED UPON THE JOURNAL.***

## STATUTORY PROVISIONS

**§ 2-4-9. Disturbance or disorderly conduct in Legislature as misdemeanor.** *Every person who intentionally disturbs the Legislature of this state, or either of the branches composing it, while in session, or who commits any disorderly conduct in the immediate view and presence of either branch of the Legislature tending to interrupt its proceedings or impair the respect due to its authority, is guilty of a Class 2 misdemeanor.*

**§ 2-4-14. Contempt of Legislature--Punishment.** *The Senate or the House of Representatives may punish, as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:*

*(1) Knowingly arresting a member or officer of the Senate or the House of Representatives, or procuring such member or officer to be arrested in violation of his privilege from arrest;*

*(2) Disorderly conduct in the immediate view of the Senate or the House of Representatives, and directly tending to interrupt its proceedings;*

*(3) Refusing to be examined as a witness either before the Senate or the House of Representatives, or a committee thereof, or before any person authorized to take testimony in legislative proceedings;*

*(4) Giving or offering a bribe to a member, or attempting, by menace or other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote, or to prevent his giving the same;*

*but the term of imprisonment which the Senate or House of Representatives may impose for any contempt specified in this section shall not extend beyond the session of the Legislature.*

**§ 2-7-22. Forfeiture of office on conviction of legislator--Disqualification from public office.** *The conviction of a member of the Legislature of any crime defined in § 22-12A-17 or § 22-12A-18 involves as a consequence, in addition to the punishment prescribed therein, a forfeiture of his office and disqualifies him from ever thereafter holding any public office under this state.*

## RULES

**1-1. Presiding officers.** The presiding officer of the Senate is the president and the presiding officer of the House of Representatives is the speaker. The presiding officer of each house shall take the chair on every legislative day at the hour to which that house adjourned at the last sitting.

**1-2. Order of business.** Each house shall begin each session as follows: call to order, prayer by the chaplain, pledge of allegiance, roll call, and determination of a quorum, then proceed with the daily order of business. A majority of the members present may demand that the journal for the preceding day be read.



**1-3. Questions of order.** The presiding officer of each house shall decide all questions of order, subject to a motion of appeal, by a majority of the members present. No member may speak more than once on an appeal without the consent of a majority of the members present.

**1-4. Recognition of members for remarks.** When a member desires to speak, that member shall respectfully address the presiding officer. When the presiding officer recognizes the member, that member is entitled to the floor. The member first to address the presiding officer shall speak first. If two or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.

**1-5. Time allowed for a member to speak.** Each member may speak on the pending subject before any member speaks twice. No member may speak more than twice nor longer than ten minutes on the same subject without the consent of a majority of the members present. However, a member may speak an additional twenty minutes if the time is yielded by individual members of the body. In computing the time allowed for argument, the time consumed in asking questions is considered. If a member consents to the question, the time consumed by the answer is taken out of the time allowed to the person asking the question.

**1-6. Questions on the floor.** If a member wishes to ask a question of another member, that member shall courteously do so through the presiding officer and with the consent of the member to whom the question is addressed. Any question addressed to a member shall relate to a question before the body and shall be concisely asked for the sole purpose of obtaining information. No question may reflect upon the character or conduct of any official, contain argument or debate, or inquire about the course a member proposes to follow.

**1-7. Call to order.** If a member is called to order, that member shall remain silent until the presiding officer determines whether the member is in order. The decision of the presiding officer is subject to a motion of appeal.

**1-8. Signing of documents by presiding officer.** The presiding officer of each house shall sign all concurrent resolutions and commemorations that are approved by the Legislature. The president pro tempore and the speaker shall sign all writs, warrants, and subpoenas issued by the house over which the officer presides.

**1-9. Those permitted to speak to the body.** No person other than a member of a house may speak upon any subject before the house unless a member makes a motion to allow another person to speak and the members present unanimously consent. However, the speaker of the House and the president pro tempore of the Senate may allow any person other than a member of the body to speak subject to advance notice to the majority and minority leaders. A motion objecting to the decision of the presiding officer shall require a majority vote of the members-elect.

**1-10. Dissent against an act or resolution.** Any two members of a house may dissent or protest in respectful language against any act or resolution which they think injurious

to the public or to any individual. The reason for their dissent or protest shall be presented to the house and entered upon the subsequent legislative day's journal. However, if any member objects prior to adjournment on the subsequent legislative day that the language of the dissent or protest is not respectful, and a majority of the house agrees, the house may refer the dissent or protest back to the dissenting or protesting members for emendation. Members submitting a dissenting report shall be given one opportunity for emendation, which shall be completed within one week of the request for emendation.

**1-11. Repealed.**

**CHAPTER 1A.  
DECORUM**

**1A-1. Preservation of decorum.** The presiding officer of each house shall preserve order and decorum and, in the case of disturbance or disorderly conduct, may order the galleries or lobbies to be cleared.

**1A-2. Smoking prohibited.** Smoking is prohibited in all areas of the Capitol.

**1A-3. Alcoholic beverages prohibited.** No alcoholic beverage, beer, wine, or other beverage containing alcohol may be stored or consumed in any area of the Capitol that is under the control of the Legislature.

**1A-4. Repealed.**

**1A-5. Discrimination prohibited.** The Legislature is an equal opportunity employer and provides equal access to facilities and services without regard to race, color, creed, religion, sex, disability, ancestry, or national origin.

**1A-6. Person with a disability may request assistance.** Individuals requesting assistance pursuant to the Americans with Disabilities Act must contact the Legislative Research Council at least forty-eight hours in advance of the needed assistance.

**1A-7. Use of chambers for campaign photographs.** Legislators and candidates for the Legislature may use the chambers for campaign photographs; however, no changes may be made to the arrangement of either chamber.

**1A-8. Items distributed to the members' desks.** Before any person may distribute an item to the members' desks on the floor of the Senate or the House of Representatives, that person must obtain the approval of the secretary of the Senate or the chief clerk of the House, subject to the review of the speaker of the House and the president pro tempore of the Senate, respectively. Any item distributed to the members' desks on the chamber floor must clearly bear the name of the item originator.

**1A-9. Cellular telephones.** Cellular telephones may not be used in either chamber or gallery while the Legislature is in session, except for silent functions that do not distract others.

**1A-10. Presiding Officer's power to maintain order.** The presiding officer may have any member temporarily removed in order to preserve order and decorum.

**1A-11. Repealed.**

## **CHAPTER 1B. LEGISLATIVE CODE OF CONDUCT**

**1B-1. Maintenance of ethical standards.** The people of South Dakota require that their legislators maintain the highest of moral and ethical standards as such standards are essential to assure the trust, respect and confidence of our citizens. Legislators have a solemn responsibility to avoid improper behavior and refrain from conduct that is unbecoming to the Legislature or that is inconsistent with the Legislature's ability to maintain the respect and trust of the people it serves. While it is not possible to write rules to cover every circumstance, each legislator must do everything in his or her power to deal honorably with the public and with his or her colleagues and must promote an atmosphere in which ethical behavior is readily recognized as a priority and is practiced continually, without fail.

**1B-2. Compliance with specified requirements.** Each legislator will comply with all Constitutional and statutory requirements regarding conflicts of interest. Legislators will timely file all required disclosure statements including Statements of Organization, Campaign Finance Reports and Statements of Financial Interest. Legislators must also avoid any conflict of interest which would interfere with their duties and responsibilities as legislators, interfere with the exercise of their best judgment in support of the State of South Dakota or create an improper personal benefit.

**1B-3. Professional conduct and civility.** The South Dakota Legislature will strengthen and sustain an atmosphere of professional conduct and civility among its members and with all staff and will not tolerate harassment or offensive behavior based on race, color, religion, national origin, gender, age, or disability. Harassing or offensive behavior may include the use of electronic communications through social media or otherwise, whether actual or attempted. Legislators must refrain from any and all such harassment or offensive conduct. This prohibition against harassment also encompasses sexual harassment including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment or other employment determinations, or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

**1B-3.1. Sexual contact prohibited.** No legislator or legislative employee may have sexual contact with any legislative intern or page, and no legislative intern may have sexual contact with a page.

**1B-3.2. Sexual harassment prohibited.** All members are responsible for ensuring that the workplace is free from sexual harassment. All members shall avoid any action or conduct that could be viewed as sexual harassment. A member shall report any sexual harassment complaint to the president pro tempore or the speaker according to which

house the member belongs. If the situation is not resolved, the member shall forward the complaint to the Executive Board of the Legislative Research Council.

**1B-4. Action in event of violation.** Failure to observe the highest standards of public conduct will subject a legislator to appropriate action, pursuant to the rules of the respective house.

## **CHAPTER 2. MEETINGS, QUORUMS, AND ATTENDANCE**

### **CONSTITUTIONAL PROVISIONS**

**Art. III, Sec. 7. Convening of annual sessions.** *THE LEGISLATURE SHALL MEET AT THE SEAT OF GOVERNMENT ON THE SECOND TUESDAY OF JANUARY AT 12 O'CLOCK M. AND AT NO OTHER TIME EXCEPT AS PROVIDED BY THIS CONSTITUTION.*

**Art. III, Sec. 9, Par. 2. Quorum.** *A MAJORITY OF THE MEMBERS OF EACH HOUSE SHALL CONSTITUTE A QUORUM, BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY, AND MAY COMPEL THE ATTENDANCE OF ABSENT MEMBERS IN SUCH A MANNER AND UNDER SUCH PENALTY AS EACH HOUSE MAY PROVIDE.*

**Art. III, Sec. 14. Elections viva voce.** *IN ALL ELECTIONS TO BE MADE BY THE LEGISLATURE THE MEMBERS THEREOF SHALL VOTE VIVA VOCE AND THEIR VOTES SHALL BE ENTERED IN THE JOURNAL.*

**Art. III, Sec. 15. Open legislative sessions--Exception.** *THE SESSIONS OF EACH HOUSE AND OF THE COMMITTEE OF THE WHOLE SHALL BE OPEN, UNLESS WHEN THE BUSINESS IS SUCH AS OUGHT TO BE KEPT SECRET.*

**Art. III, Sec. 16. Adjournment of legislative houses.** *NEITHER HOUSE SHALL WITHOUT THE CONSENT OF THE OTHER ADJOURN FOR MORE THAN THREE DAYS, NOR TO ANY OTHER PLACE THAN THAT IN WHICH THE TWO HOUSES SHALL BE SITTING.*

### **RULES**

**2-1. Those permitted on the floor during session.** In addition to current legislators, only the following persons are entitled to the floor of the House of Representatives or Senate during sessions: justices of the Supreme Court or persons who are or have been Governor, Lieutenant Governor, or members of the Congress of the United States from South Dakota; current legislative employees; news reporters; and former members of the South Dakota Legislature, except those who are registered lobbyists or those currently serving in any elective state or local office other than Governor or Lieutenant Governor. However, these persons may not be on the floor if acting in a manner to influence legislation. No other person may be admitted to the floor without consent of the presiding officer.

**2-2. Call of the house.** One-sixth of the members-elect of either house may compel the attendance of absent members by ordering a call of the house of which they are members, but a call of the house may not be made after voting commences.

**2-3. Procedure after a call of the house.** When a call of the house is ordered, the doors shall be closed and the absentees noted. No member may leave the room until permission is given by the presiding officer, the sergeant at arms' report is received and acted upon, or the house is adjourned. Until the sergeant at arms' report is received, proceedings under the call may not be suspended except by two-thirds of the members present.

**2-4. Access to chamber and lobbies.** Except as otherwise provided in Joint Rule 2-1, no person, except current legislators and legislative employees, may enter either chamber or space reserved for members of the Legislature adjacent to either chamber at any time during a session or for the period of three hours preceding a session except upon invitation of a member of the chamber. However, under no circumstances may a lobbyist enter either chamber or reserved space for a period of three hours preceding a session or one hour after adjournment of the chamber.

### **CHAPTER 3. LEGISLATIVE EMPLOYEES**

#### **CONSTITUTIONAL PROVISIONS**

***Art. III, Sec. 9, Par. 3. Rules of proceedings--Officers and employees.*** EACH HOUSE SHALL DETERMINE THE RULES OF ITS PROCEEDINGS, SHALL CHOOSE ITS OWN OFFICERS AND EMPLOYEES AND FIX THE PAY THEREOF, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

#### **STATUTORY PROVISIONS**

**§ 2-5-2. Elective officers of Senate.** *The elective officers of the Senate shall be a president pro tempore of the Senate, who shall be a member of that body, one secretary and such other officers as shall be necessary to properly conduct the business of the Senate.*

**§ 2-5-3. Elective officers of House.** *The elective officers of the House of Representatives shall be a speaker and a speaker pro tempore, who shall be members of that body, one chief clerk and such other officers as shall be necessary to properly conduct the business of the House of Representatives.*

**§ 2-5-5. Appointment of legislative employees by presiding officers.** *The speaker of the House of Representatives shall appoint employees necessary to properly conduct the business of the House and the president pro tempore of the Senate shall appoint employees necessary to properly conduct the business of the Senate.*

**§ 2-5-8. Determination of amount of compensation of legislative employees.** *All elective and appointed officers and employees of the Senate and House of*

*Representatives designated in §§ 2-5-2, 2-5-3, and 2-5-5 shall receive compensation determined and agreed upon by a joint select committee of both houses.*

## **RULES**

**3-1. Appointment of legislative employees.** The president pro tempore of the Senate shall appoint all necessary employees for the Senate. The speaker of the House of Representatives shall appoint all necessary employees of the House. All employee positions shall be described in a uniform compensation and classification manual which shall be annually reviewed by the Executive Board of the Legislative Research Council and approved by the Joint Select Committee on Compensation.

**3-2. Duties of the secretary of the Senate and chief clerk of the House.** The secretary of the Senate and chief clerk of the House of Representatives are responsible to the president pro tempore of the Senate or the speaker of the House, respectively. Their duties are:

(1) To supervise the keeping of a daily journal, the engrossing and enrolling, and the handling of bills and resolutions;

(2) To assist the calendar committee in the preparation of a daily calendar listing motions and resolutions, committee reports to be introduced, and bills and joint resolutions ready for second reading, and to assist the calendar committee in preparation of a daily consent calendar;

(3) To sign the certificate of origin of all bills passed by the Legislature;

(4) To attest the signature of the presiding officer to all bills, memorials, resolutions, commemorations, writs, warrants, and subpoenas issued by the house;

(5) To deliver to the secretary of state at the close of each session the journals and all books, bills, documents, resolutions, and papers in possession of the Legislature; to preserve one true copy of each printed bill, joint resolution, and concurrent resolution of each legislative session; to attach the copy together with a signed certificate that it is a true and complete copy of each printed bill, joint resolution, and concurrent resolution of the legislative session; and to file such certified copies with the secretary of state within ten days after adjournment of the Legislature; and

(6) To perform all other acts appertaining to the office as may be required by the house or its presiding officer.

**3-3. Office of Engrossing and Enrolling.** The Legislative Research Council shall perform all engrossing and enrolling duties. In addition, each house may hire secretaries necessary to conduct the business of the standing committees. Any secretary appointed to a committee is responsible to the committee chair. In each house, a secretary is provided to the majority and minority parties.

**3-4. Engrossing and enrolling.** The engrossing and enrolling duties of the Legislative Research Council are:

- (1) To engross and enroll all bills delivered to them;
- (2) To provide and supervise secretarial assistance to legislators as requested;
- (3) To collect from the secretaries of all standing and special committees the minutes of such committees and retain them in the Legislative Research Council Library; and
- (4) To correct clerical errors, with the consent of the code counsel, in any bill. Clerical errors which may be corrected are: errors in spelling, errors in numbering sections, errors of omission or commission due to addition or deletion of material, and errors due to copying incorrectly from the most recent statute. The code counsel shall inform the principal sponsor of each correction.

**3-5. Chaplains.** The chief chaplain shall schedule a chaplain to serve in each house for each legislative day. The duty of the chaplain of each house is to open each day's session with a prayer.

**3-6. Disputes or complaints involving a legislative session employee.** Any dispute or complaint involving the competency or decorum of a legislative session employee, including any violation of SDCL 2-12, shall be referred to the president pro tempore of the Senate or the speaker of the House. The officer may dismiss, suspend, or otherwise discipline the employee.

**3-7. Sexual harassment prohibited.** All employees are responsible for ensuring that the workplace is free from sexual harassment. All employees shall avoid any action or conduct which could be viewed as sexual harassment. An employee shall report any sexual harassment complaint within one year of its occurrence. Such complaints may be reported to:

1. The president pro tempore of the Senate, in the case of a Senate employee;
2. The speaker of the House, in the case of a House employee;
3. Any legislator who supervises House or Senate employees, respectively;
4. A majority or minority party legislative secretary; or
5. The Legislative Research Council Director, Deputy Director, or intern coordinators.

Any complaints received pursuant to (3), (4), or (5) shall be reported promptly, in writing, by the recipient of the complaint to the president pro tempore of the Senate or the speaker of the House, respectively. If the situation is not resolved, the employee shall forward the complaint to the Executive Board of the Legislative Research Council. The provisions of this section apply only to complaints which are made on a timely basis under the provisions of this section.

## **CHAPTER 4. ORDER OF BUSINESS**

**4-1. Daily order of business.** After call to order, the daily order of business shall be as follows:

1. Prayer by the chaplain and pledge of allegiance;
2. Roll call and determination of a quorum;
3. Approval of the journal;

4. Communications and petitions;
5. Reports of standing committees;
6. Reports of select committees;
7. Messages from the other house;
8. Motions and resolutions;
9. Consideration of committee reports;
10. Introduction, first reading and reference of bills and joint resolutions originating in the house;
11. First reading and reference of bills and joint resolutions originating in the other house;
12. Second reading of consent calendar bills and resolutions;
13. Second reading of bills and joint resolutions originating in the house;
14. Second reading of bills and joint resolutions originating in the other house;
15. Announcements.

To revert to an old order of business or to pass to a new order of business requires a majority vote of the members present. Any message or communication from the Governor or other state officer may be received at any time.

**4-2. Special orders.** Any bill, resolution, memorial or other subject matter may be made a special order for some subsequent time by a majority vote of the members present.

**4-3. Order of bills and resolutions.** Each bill and resolution up for consideration under any order of business shall be listed and taken up in the order in which it is listed on the daily calendar unless otherwise ordered by a majority of the members present.

## **CHAPTER 5. MOTIONS**

**5-1. Entertainment of motions.** No motion may be entertained and debated until it is seconded. Following the second of a debatable motion, the presiding officer shall first recognize the member making the motion.

**5-1.1. Amendments proposing penalties.** Any attempt to offer an amendment, whether in committee or on the floor, that requires a prison or jail population cost estimate shall be ruled out of order unless offered with a preexisting prison or jail population cost estimate.

**5-2. Restatement and reading of motions.** When a motion is made and seconded, it shall be restated by the presiding officer, and, if requested by the presiding officer or a member, shall be displayed electronically or reduced to writing and read aloud.

**5-2.1. Provision of copies of motions.** If a motion to amend is displayed electronically or offered in writing or if each member of the body has been given a copy of the motion, the reading of that motion is automatically waived.

**5-2.2. Withdrawal of motions.** After a motion is stated by the presiding officer, it may not be withdrawn without unanimous consent of the members present.



**5-3. Priority of motions.** When a question is under debate, no motion may be made except the following motions which have precedence in the order listed:

- (1) To adjourn; (nondebatable)
- (2) To recess;
- (3) To call the house;
- (4) To lay on the table; (nondebatable)
- (5) To call the previous question; (nondebatable)
- (6) To defer indefinitely;
- (7) To defer to a day certain;
- (8) To refer to committee;
- (9) To amend.

**5-4. Priority of motion for adjournment.** A motion for adjournment is always in order, unless the roll is being called or the previous question has been ordered, and shall be decided without debate.

**5-5. Application and nondebatability of motions to lay on the table.** A motion to lay on the table which effects a disposition on the merits of any bill or resolution requires the vote of a majority of the members-elect to carry and shall be decided without debate. Any other motion to lay on the table requires the vote of a majority of the members present and shall be decided without debate. No member may make introductory remarks prior to making a motion to lay on the table.

**5-5.1. Scope of motions to lay on the table.** A motion to lay on the table may be made so as to apply either to the main question or to a proposed amendment or to the bill and all pending amendments, and the motion shall clearly state to which it is intended to apply.

**5-5.2. Motion to take from the table.** Whenever any bill or resolution is laid on the table, it requires a majority vote of the members-elect to take it from the table. The motion to take from the table is debatable.

**5-5.3. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to motions to table and to defer to a day certain beyond sine die shall be the same except that a motion to defer to a day certain beyond sine die is debatable.

**5-6. Motion to call the previous question.** A motion for the previous question shall be decided immediately by a majority of the members present and without debate. The motion shall clearly indicate the question to which it applies. No member may make introductory remarks prior to making a motion to call the previous question. The effect of adopting a motion to call the previous question is to close debate, to prevent the moving of amendments or other subsidiary motions, and to bring to vote immediately the question to be voted upon. The effect of defeating a motion to call the previous question is to allow continuation of debate on the question before the house.

**5-7. Priority of vote after call of the previous question.** After a motion to call the previous question has prevailed, it is not in order to move a call of the house or to move to adjourn, prior to a decision of the question before the house.

**5-8. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer indefinitely or to refer to committee is decided in the negative, such motion is not again in order at the same stage of consideration of the bill or proposition.

**5-8.1. Motion to defer indefinitely or to the 41st day as final action.** A motion to defer indefinitely or to the 41st day requires the vote of a majority of the members-elect.

**5-9. Division of the question.** Any member may call for a division of the question. The presiding officer shall divide the question if it contains questions so distinct that, one being taken away, the rest may stand as a separate proposition. A member may not call for the division of a bill.

**5-10. Motions to strike the enacting clause.** A motion to strike the enacting clause of a bill has precedence to a motion to amend, and if carried, is equivalent to the rejection of the bill.

**5-11. Notice of intention to reconsider.** Notice of intention to move for reconsideration shall be made before the body proceeds to the next item of business. If any member fails to give notice of intention to reconsider, the vote on a question shall be deemed to have been moved for reconsideration and such motion for reconsideration to have been laid on the table.

**5-11.1. Motions to reconsider.** Having given notice of intent to reconsider, the member giving notice may move to reconsider the question not later than the next legislative day, except as provided in Joint Rule 5-13. Any motion to reconsider shall be made under order of business No. 8, except as provided in Joint Rule 5-13, and takes precedence over all other motions except to recess or to adjourn. No motion to reconsider the same question may be made twice in the same house without unanimous consent. Every motion to reconsider shall be decided by a majority vote of the members-elect on a roll call vote. No question may be reconsidered except the final disposition of bills and joint resolutions and the override of vetoes. No motion to lay on the table is subject to reconsideration.

**5-12. Failure to make timely motion for reconsideration.** If any member has given notice of intent to move for reconsideration and does not move for reconsideration before the stated deadline, the presiding officer shall immediately state that any member may move for reconsideration.

**5-13. Motion for reconsideration during final legislative days.** During the seven final legislative days, any member who has given notice of intent to move for reconsideration shall make such motion at a time prior to the conclusion of business on the legislative day that the question sought to be reconsidered was acted upon. Such motion may be made at any time prior to adjournment.

**5-13.1. Immediate consideration of emergency measures.** If the affirmative vote for a bill containing an emergency clause is less than two-thirds but more than one-half of the members-elect, the vote shall be immediately reconsidered.

**5-14. Germaneness of amendments.** No motion to amend a bill is in order unless it is germane to the subject as expressed in the title of the bill.

**5-15. Order of motions.** All questions, other than privileged motions as listed in Joint Rule 5-3, shall be put in the order they are moved.

**5-16. Limitations on number of motions to amend and substitute motions.** When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment is in order. It is also in order to offer a further amendment as a substitute, but such substitute is not subject to amendment.

**5-17. Motion to delay action on amendments.** Final action upon any amendment to a bill or resolution may not be had until one legislative day has intervened, if a request for delay is made and is supported by at least one-fifth of the members. However, no such request is in order during the last fourteen days of the session, less one day for every two days that the session is less than forty days. This rule cannot be invoked more than two times on the same bill in each house.

**5-17.1. Motion to delay action on amendments is nondebatable.** No member invoking Joint Rule 5-17 may speak to the merits of the amendment or make any other introductory remarks.

## **CHAPTER 6. BILLS, RESOLUTIONS, AND COMMEMORATIONS**

### **CHAPTER 6A. FORM OF BILLS - DEFINITIONS OF RESOLUTIONS - GENERAL PROVISIONS**

#### **CONSTITUTIONAL PROVISIONS**

**Art. III, Sec. 18. Enacting clause--Assent by majority--Recording of votes.** *THE ENACTING CLAUSE OF A LAW SHALL BE: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA" AND NO LAW SHALL BE PASSED UNLESS BY ASSENT OF A MAJORITY OF ALL THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE. AND THE QUESTION UPON THE FINAL PASSAGE SHALL BE TAKEN UPON ITS LAST READING, AND THE YEAS AND NAYS SHALL BE ENTERED UPON THE JOURNAL.*

**Art. III, Sec. 21. One subject expressed in title.** *NO LAW SHALL EMBRACE MORE THAN ONE SUBJECT, WHICH SHALL BE EXPRESSED IN ITS TITLE.*

**Art. XII, Sec. 2. Contents of general appropriation bill--Separate appropriation bills.** *THE GENERAL APPROPRIATIONS BILL SHALL EMBRACE NOTHING BUT APPROPRIATIONS FOR ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE, THE CURRENT EXPENSES OF STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON SCHOOLS. ALL OTHER APPROPRIATIONS SHALL BE MADE BY SEPARATE BILLS, EACH EMBRACING BUT ONE OBJECT, AND SHALL REQUIRE*

A TWO-THIRDS VOTE OF ALL THE MEMBERS OF EACH BRANCH OF THE LEGISLATURE.

## STATUTORY PROVISIONS

**§ 22-12A-18. Fraudulent alteration of bill after passage as felony.** *Any person who fraudulently alters a bill which has been passed by the Legislature of this state, with intent to have it approved by the Governor, certified by the secretary of state, or printed or published by the printer of the statutes, in language different from that in which it was passed by the Legislature, is guilty of a Class 6 felony.*

## RULES

**6A-1. Legislative Documents.** Only bills and the following may be introduced in the Legislature:

(1) A House or Senate resolution pertains to the affairs of one house only and requires action only by the legislative chamber concerned. A House or Senate resolution may be used to express an opinion or principle of one house, to express an opinion to or request of the other house, to regulate procedure, or to refer the subject matter of bills to the Legislative Research Council;

(2) A concurrent resolution expresses the opinion or a principle of the Legislature not having the force of law. A concurrent resolution shall only be used to authorize interim studies, sessions or committees, to instruct a department of state government, or to petition federal agencies;

(3) A joint resolution contains matters of legislation only. A joint resolution may be used to refer a matter for referendum to the people, to place a constitutional amendment on the ballot at the next general election, to ratify proposed amendments to the United States Constitution, to enact legislative reapportionment, or to grant a water right pursuant to § 46-5-20.1;

(4) A House or Senate resolution of disapproval as provided under Article IV, Section 8, of the South Dakota Constitution; and

(5) A legislative commemoration expresses recognition of service or achievements of national or statewide importance or expresses sorrow over death or loss.

**6A-2. Format of bills and joint resolutions.** If a bill amends an existing statute, the new matter shall be underscored and the omitted matter shall be overstricken. If an entire title, chapter, section, subdivision, or subsection is to be repealed, only the code citation need be listed.

**6A-3. Format of joint resolutions.** If a joint resolution amends an existing provision of the Constitution, the omitted matter shall be overstricken and the new matter shall be underscored. A joint resolution shall contain sufficient introductory wording to give reasonable notice of the effect of the proposed amendment.

**6A-4. Bills at the request of the Governor, executive agencies, and the Chief Justice.** A bill introduced at the request of the Governor, Chief Justice of the Supreme Court, a department, board, commission, or any other agency of state government, shall indicate on the bill at whose request such bill is being introduced.

**6A-5. Review of bills by the Legislative Research Council.** Before a bill, resolution, or commemorative may be introduced, it shall be reviewed by the Legislative Research Council for style and form. No bill or joint resolution may be submitted to the Legislative Research Council for review less than forty-eight hours of the final introduction date for bills or joint resolutions as provided in Joint Rule Chapter 17.

**6A-6. Title of repealed law.** A bill introduced for the sole purpose of repealing an existing law shall include in its title the general subject to which the law relates.

**6A-7. Placement of emergency clause.** Any bill containing an emergency clause shall have the emergency clause added at the end of the bill.

**6A-8. Title and sponsors placed on bills and resolutions.** Before a bill or resolution is introduced, its title and the name or names of the member, members, or committee introducing the bill or resolution shall be printed on it.

## **CHAPTER 6B. INTRODUCTION AND SPONSORSHIP**

### **STATUTORY PROVISIONS**

**§ 2-7-4. Prefiling of bills and resolutions with Legislative Research Council--Rules for handling.** *Any person who has been duly elected or appointed to serve during a regular session of the Legislature may file bills and resolutions with the State Legislative Research Council at any time within thirty days prior to the convening of such regular session. Notwithstanding the provisions of § 2-7-6.1, any interim committee of the Legislative Research Council may file bills and resolutions under the provisions of this section. The Executive Board of the State Legislative Research Council shall prescribe rules for the handling and placing in proper form of such bills and resolutions, subject to the provisions of §§ 2-7-4 to 2-7-6, inclusive.*

**§ 2-7-5. Numbering, printing and disposition of prefiled bills--Date of introduction.** *The director of the Legislative Research Council shall, within the confines of such rules, receive such bills and resolutions, place them in proper form, assign them numbers for introduction in the proper house, and deliver copies to the printing contractor for pre-session printing. The director shall deliver the original and one copy of each bill and resolution to the secretary of the Senate or the chief clerk of the House of Representatives, as the case may be, on the day when the session convenes. However, the director may not deliver any prefiled bill or resolution until every sponsor of such bill or resolution has been duly sworn into office.*

*Upon prefiling, such bills and resolutions become the property of the Legislature and may not thereafter be withdrawn. Prefiled bills and resolutions shall be considered as introduced on the day of their delivery to each house.*

**§ 2-7-6.1. Committee introduction of bills and resolutions.** *No bill or joint resolution may be introduced in either house of the Legislature by any committee thereof, except:*

*(1) A bill or a joint resolution introduced by any standing committee of either house;*

*(2) A bill or joint resolution referred to the Legislature from an interim committee of the State Legislative Research Council;*

*(3) A bill or joint resolution introduced at the request of the interim Rules Review Committee, interim Government Operations and Audit Committee, the interim Retirement Laws Committee, the interim Joint Bonding Review Committee, and the interim State-Tribal Relations Committee by one or more committee members upon majority vote of the interim committee; or*

*(4) A bill or joint resolution introduced at the request of the Governor, an executive agency or of the chief justice of the Supreme Court.*

*The committee shall obtain a written request for such introduction from either the council, the Governor, department head of an executive agency, a constitutional officer or board, or the chief justice and shall retain such request in its file. Committee bills introduced on behalf of a department head of an executive agency, a constitutional officer or board may be introduced by the chairman without a vote of the committee for purposes of prefiling. Nothing in this section prohibits one or more legislators from introduction of a bill or a joint resolution.*

## **RULES**

**6B-1. Time for introduction of bills, number of copies for introduction, bills are property of Legislature.** Any member or committee desiring to introduce a bill, resolution, or commemoration shall file two copies of the bill, resolution, or commemoration with the bill clerk at least two hours prior to the opening of the daily session. Any bill, resolution, or commemoration filed with the bill clerk and duly numbered becomes the property of the Legislature and may not thereafter be withdrawn.

**6B-1.1. Withdrawal of bills.** The provisions of 6B-1 and 6D-1 notwithstanding, prior to the first committee hearing in the house of origin, the prime sponsor of any bill or resolution may withdraw any bill or resolution in the house of origin with the approval of the presiding officer. The presiding officer shall then declare the bill or resolution formally withdrawn and shall order that an entry be made in the bill status so stating.

**6B-2. Numbering of bills and resolutions.** Bills shall be numbered consecutively as introduced, beginning with No. 1 for Senate bills and with No. 1001 for House bills. Resolutions shall be numbered consecutively as introduced, beginning with No. 1001 for House resolutions and with No. 1 for Senate resolutions.

**6B-3. Limit on number of bills that may be introduced.** A legislator may introduce as prime sponsor only three individual bills or joint resolutions during the last three days

for bill introduction prescribed by Joint Rule Chapter 17. A legislator may introduce as prime sponsor only four concurrent resolutions, three of which must be introduced before the ninth legislative day. The final day for introduction of the fourth concurrent resolution is prescribed by Joint Rule Chapter 17.

**6B-4. Sponsorship of bills and resolutions.** Any bill, joint resolution, or concurrent resolution may be introduced by any member or members of the house of origin. Any member or members of the other house may join the member or members of the house of origin in introducing the bill or resolution.

**6B-5. Bill introduction by standing committees.** Before a bill or joint resolution can be introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have received an affirmative vote of a majority of the members of a standing committee at one of its regular meetings with a statement of such fact on a separate slip attached to the cover of the bill and signed by the chair of the committee.

**6B-6. Pre-filing of agency bills.** No bill or resolution introduced at the request of a department, board, commission, or any other agency of state government, except bills or resolutions introduced at the request of the Governor or Chief Justice, may be considered by the Legislature unless such bill or resolution is pre-filed with the Director of the Legislative Research Council at least forty-eight hours before the opening of a legislative session and available for introduction on the first legislative day. The chairman may approve introduction of the bill electronically.

**6B-7. Disposition of copies of bills when introduced.** An original and one copy of each bill or resolution introduced shall be disposed of as follows:

- (1) The original, which shall have endorsed thereon the word "Original," shall be retained by the house of origin; and
- (2) The copy shall be delivered to the prime sponsor.

**CHAPTER 6C.  
PRISON/JAIL COST ESTIMATES, FISCAL NOTES AND ACTUARIAL  
STATEMENTS**

**STATUTORY PROVISIONS**

**§ 2-9-33. Cost estimate for bill or amendment that may impact state prison or county jail population.** *A prison or jail population cost estimate shall be attached to any bill or amendment, except misdemeanor penalties, that may impact the state prison or county jail population. A prison or jail population cost estimate shall be attached to any measure proposed by ballot initiative, except Class 2 misdemeanor penalties, that may impact the state prison or county jail population. A prison or jail population cost estimate shall be prepared for a bill or amendment with a Class 1 misdemeanor penalty only upon a request authorized by the rules of the Legislature. The requirement for a cost estimate includes each bill, amendment, or ballot initiative that meets the penalty requirements of this section and that increases the period of imprisonment authorized for an existing crime, that adds a new crime for which imprisonment is authorized, that*

*imposes a minimum or mandatory minimum term of imprisonment, or that modifies any law governing release of a prisoner from imprisonment or supervision.*

*The sponsor of the legislation, amendment, or ballot initiative shall request and allow sufficient time to prepare a cost estimate from the Legislative Research Council. The cost estimate shall be completed for a bill or amendment before the bill or amendment is considered by any standing committee of the Legislature. Any ballot initiative shall have a cost estimate attached to the Attorney General's statement required pursuant to § 12-13-9 or 12-13-25.1.*

**§ 2-9-34. Contents of cost estimate.** *A cost estimate pursuant to § 2-9-33 shall include the following:*

*(1) An analysis of the specific components that will impact the prison and jail population;*

*(2) The projected cost of the impact on the state prison system and the aggregate cost to county jails on an annual basis and cost over a ten year period; and*

*(3) Operational costs and capital costs including all manner of construction.*

## **RULES**

**6C-1. Bills and resolutions that require fiscal notes.** A bill, amendment, or resolution that has an effect on the revenues, expenditures, or fiscal liability of the state or any political subdivision of the state may include a fiscal note incorporating an estimate of the effect. This rule does not apply to the cost of legislative processing, or any appropriation bill with specific dollar amounts. A fiscal note is an estimate of the fiscal implications relating to revenues, expenditures or debt, and the probable cost of the bill, amendment, or resolution. In preparing the fiscal note, the Director of the Legislative Research Council may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. The director shall state the sources of the information or data used and may state the extent to which the director relied on the information or data in preparing the fiscal note. If the director is unable to acquire or develop sufficient information or data to prepare a fiscal note, the director may prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule. If the director determines that the fiscal impact of a bill, amendment, or resolution cannot be determined, the director may prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule.

This rule does not apply to prison or jail population cost estimates required by §§ 2-9-33 and 2-9-34.

**6C-1.1. Request for fiscal note or prison or jail population cost estimate by any member.** A fiscal note or prison or jail population cost estimate may be requested by:

- (1) The presiding officer when a bill, amendment, or resolution is introduced;
- (2) The chair of the standing committee possessing the bill, amendment, or resolution;



- (2) A majority vote of the standing committee possessing the bill, amendment, or resolution; or
- (3) A legislator, if the legislator is supported by a vote of one-fifth of the body before the second reading of the bill or resolution.

**6C-1.2. Certain bills require fiscal note.** The Director of the Legislative Research Council shall prepare a fiscal note for any bill which amends session law to affect the General Appropriations Act enacted in a prior legislative session.

**6C-1.3. Prison or jail population cost estimates.** A prison or jail population cost estimate may be requested pursuant to Joint Rule 6C-1.1 for any bill or amendment with a Class 1 misdemeanor penalty that may impact the state prison or county jail population. The cost estimate shall be prepared pursuant to §§2-9-33 and 2-9-34.

**6C-2. Deferral of bills without fiscal note.** The original copy of a bill or resolution for which a fiscal note has been requested shall be stamped by the bill clerk with the initials "F.N." before referral to a committee. If the bill or resolution is reported back without a fiscal note, the presiding officer shall defer placing the bill or resolution on the calendar until the requested fiscal note is received. However, the presiding officer may place the bill or resolution on the calendar if the presiding officer determines a fiscal note is no longer required.

**6C-3. Attaching fiscal note to bill.** If a fiscal note is available, it shall be attached by the bill clerk at the end of the original copy of the bill or resolution.

**6C-4. Retirement system actuarial statement.** Each bill introduced affecting the benefits payable by the state or a local government retirement system shall have an actuarial statement attached to the bill. The actuarial statement shall be requested from the governing board of the retirement system affected and the statement shall identify the costs of the proposed change in the law as stated by the actuary for the affected retirement plan. If there is a doubt as to the need for an actuarial statement, the presiding officer shall make the final decision. After the bill is introduced, the bill clerk shall attach the actuarial statement to the original bill.

## **CHAPTER 6D. FIRST READING AND REFERRAL**

### **CONSTITUTIONAL PROVISIONS**

***Art. III, Sec. 17. Reading of bills. EVERY BILL SHALL BE READ TWICE, BY NUMBER AND TITLE ONCE WHEN INTRODUCED, AND ONCE UPON FINAL PASSAGE, BUT ONE READING AT LENGTH MAY BE DEMANDED AT ANY TIME BEFORE FINAL PASSAGE.***

### **RULES**

**6D-1. Referral of bills and resolutions to standing committees.** Unless otherwise ordered, each bill or joint resolution shall be referred to a standing committee after its first reading.

If any member introduces an appropriation bill, the bill shall be referred directly to a standing committee. If any Committee on Appropriations introduces an appropriation bill, the presiding officer of the house of origin may waive referral to a standing committee. If a bill has received final disposition from the Joint Committee on Appropriations, the presiding officer may waive the referral of the bill to a standing committee.

For the purposes of the Joint Rules, an appropriation bill is any bill that appropriates money from public funds and that appropriation is expressed in the title of the bill.

The presiding officer may waive the referral of concurrent resolutions to a standing committee. A copy of any concurrent resolution shall be posted to the Legislative Research Council internet site before the resolution is acted upon.

**6D-2. Referral of resolutions of disapproval.** Any resolution of disapproval shall be referred to a committee unless ordered to be placed directly on the calendar by a majority vote of the members present.

## **CHAPTER 6E. AMENDMENTS AND SUBSTITUTE BILLS**

### **CONSTITUTIONAL PROVISIONS**

***Art. XXIII, Sec. 1. Amendments.*** *AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED . . . BY A MAJORITY VOTE OF ALL MEMBERS OF EACH HOUSE OF THE LEGISLATURE.*

### **RULES**

**6E-1. Amendments to be germane to bill.** No amendment to a bill or joint resolution may embrace more than one subject, which shall be expressed in the title of the bill.

**6E-2. Hoghouse amendments.** Any substitute bill shall be treated as an amendment and shall be governed by the rules governing amendments. Final committee action on any bill so amended may not be heard until one legislative day has intervened, if a request for delay is made and supported by at least one-fifth of the committee members-elect. However, no such request is in order on the final day for the committee to act upon the bill, according to the committee's schedule.

**6E-3. Message required when one house amends bill or resolution of other house.** Whenever a bill or joint resolution is passed in one house and amended and passed in the other, a message to the house of origin shall indicate that the bill or resolution has been amended.

## CHAPTER 6F. SECOND READING

**6F-1. No second reading until engrossment.** No bill or resolution amended after introduction may be read the second time until it is correctly engrossed.

**6F-2. Second reading at least one day after committee report.** No bill or joint resolution may have its second reading or receive final passage until at least one legislative day after it has been reported to the house by the committee to which the same has been referred and such report has been read to the house.

**6F-3. Action on committee reports.** No report of any standing committee or select committee may be acted upon until at least one legislative day after it has been read to the body, except the report of the committee on legislative procedure, or the reports of standing committees requesting referral to another standing committee of a bill or resolution which may be acted upon immediately. However, during the last three days of the session, reports of conference committees may be acted upon the same day as reported.

**6F-4. Placement of unamended bills and resolutions on calendar.** If any committee makes a report that a bill or resolution "Do Pass" without proposing any amendment thereto, the bill or resolution shall be placed upon the calendar for second reading on the next legislative day.

**6F-5. Placement of amended bills and resolutions on calendar.** If any standing committee returns a bill or resolution to the house with the recommendation that the bill or resolution do pass with proposed amendments, the report shall be received, read and entered upon the journal. The committee report shall be placed on the calendar for adoption the following legislative day and the bill shall be placed on the calendar for floor action on the legislative day following the adoption of the committee report. On the final day for the committee to act upon a bill, the report may be placed directly on the calendar for floor action. A report recommending the passage of a bill or resolution with proposed amendments is not subject to change or amendment.

**6F-6. Placement of bills and resolutions not receiving a "Do Pass" recommendation on the calendar.** Any bill or resolution reported "Do Not Pass" or "without recommendation" shall fail if no motion is made for its disposition under the order of business of Consideration of Committee Reports on the next legislative day after delivery to the house. On the final day to use Joint Rule 7-7, a motion must be made before adjournment on that day. A motion to place a bill or resolution on the calendar where a committee reports a bill or resolution "Do Not Pass" or "without recommendation" shall require the vote of a majority of the members-elect to carry. A bill or resolution failing to be placed on the calendar is lost after time for reconsideration has passed.

**CHAPTER 6G.  
PRINTING, ENGROSSING, AND ENROLLING**

**STATUTORY PROVISIONS**

**§ 2-7-14. Time allowed for printing of bills and resolutions.** *The contractor for printing of the house and senate bills and joint resolutions of any kind shall deliver them, completed, to the Legislature within two days after receiving the copy.*

**§ 2-7-15.1. Fees for copies of bills and journals--Mailing fees--Disposition.** *The Executive Board of the Legislative Research Council may recover up to one-half of the printing costs of legislative bills and journals by establishing uniform fees for the distribution of legislative printed materials, to public agencies, lobbyists, and individuals. Fees for estimated mailing costs may also be charged for mailing printed materials. Fees collected shall be deposited in the state general fund.*

**§ 2-7-17. Certification and filing of printed bills and resolutions--Judicial notice.** *It shall be the duty of the secretary of the Senate and chief clerk of the House of Representatives to preserve one true copy of each printed bill, of each printed joint resolution, and of each printed concurrent resolution of each session of the Legislature; and to attach same together, to attach thereto, their signed certificate that they are true and complete copies of all the printed bills, joint resolutions, and concurrent resolutions of the certain session of the Legislature, and to file said copies so certified in the Office of the Secretary of State within ten days after adjournment of the session.*

*All copies so certified and filed shall be subject to judicial notice in all courts of record.*

**§ 2-7-18. Engrossment of bills and amendments.** *All bills, in either house of the Legislature, which have been favorably acted upon, preparatory to going upon the calendar shall be engrossed if amendments have been made thereto. Amendments to any bill made by either Senate or House of Representatives, after engrossment, shall likewise be engrossed.*

**§ 2-7-19. Enrollment of bill after passage by both houses.** *A bill which has passed both houses of the Legislature shall at once be enrolled by the house in which it originated.*

**§ 2-7-20. Presentation of bill to Governor--Filing with secretary of state--Photocopy to code counsel.** *The original copy of each enrolled bill shall be signed by the president of the Senate, secretary of the Senate, speaker of the House of Representatives, and chief clerk of the House of Representatives and presented to the Governor. If the Governor approves the bill, the Governor shall sign and transmit it to the secretary of state who shall deliver a photocopy of the signature page to the code counsel to be used in preparing copy for session laws. The secretary of state shall provide a permanent form of binder for the original enrolled bills and the bills vetoed with the veto message attached. The secretary of state shall also provide the code counsel with a photocopy of the signature page of each vetoed bill and veto message.*

**§ 22-12A-17. Fraudulent alteration of bill or resolution as felony.** *Any person who fraudulently alters the draft of any bill or resolution which has been presented to either house of the Legislature to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, is guilty of a Class 6 felony.*

## **RULES**

**6G-1. Determination of procedures.** The committees on legislative procedure shall jointly determine uniform procedures for the printing, engrossing and enrolling of bills and joint resolutions.

**6G-2. Reprinting of bills and joint resolutions.** If a bill is amended, the amendment shall be engrossed on the bill before the bill advances to the next stage of the legislative process. The engrossed bill shall become the original bill.

**6G-3. (Reserved).**

**6G-4. Printing without consent.** Each house may print bills, messages, and reports without the consent of the other.

**6G-5. Engrossing of bills and joint resolutions.** All bills or joint resolutions in either house of the Legislature, which have been favorably acted upon and amendments have been made thereto, before going upon the calendar shall be engrossed. Amendments to any bill or joint resolution, made by either house after engrossment, shall likewise be engrossed upon the original bill or joint resolution.

**6G-6. Report to committee on legislative procedure.** The chief of the office of engrossing and enrolling shall examine all amended bills and joint resolutions.

**6G-7. Enrolling of bills and joint resolutions.** A bill which has passed both branches of the Legislature shall be at once enrolled. An enrolled bill or joint resolution shall be free from erasures, marks and interlineations, and each sheet thereof shall be initialed by the chief of engrossing and enrolling and numbered for identification. The cover of the bill or joint resolution shall indicate the house of origin.

**6G-8. Review and signing of bills and joint resolutions.** The committee on legislative procedure and the chief of engrossing and enrolling shall compare enrolled with engrossed bills and joint resolutions as passed by both houses and make a report thereon to the house of origin. If a bill or joint resolution is reported by the committee as correctly enrolled, it shall be presented to the presiding officers of both houses for their signatures.

**6G-9. Presentation of bills and joint resolutions to Governor.** After a bill or joint resolution is signed by the officers of both houses, the chairmen of the committees on legislative procedure shall jointly cause such bill to be presented to the Governor for the Governor's signature and such joint resolution to the secretary of state for filing. The committees shall, at any time, report such presentations to both houses.

## **CHAPTER 6H. COMMEMORATIONS**

**6H-1. Introduction of commemorations.** Any member may introduce a legislative commemoration, which may be cosponsored by other members of either house, by filing it with the bill clerk of that member's house. The prime sponsor shall submit all necessary information to the legislative research council prior to introduction. However, no member may introduce a legislative commemoration after the deadline prescribed by Joint Rule Chapter 17.

**6H-2. Numbering of commemorations.** Each legislative commemoration shall be numbered consecutively as introduced beginning with No. 1 for the Senate and No. 1001 for the House of Representatives.

**6H-3. Printing and calendaring of commemorations.** Upon introduction, the presiding officer shall order the legislative commemoration printed in the journal of that legislative day. Subsequently the presiding officer shall place each pending legislative commemoration along with a notation of the page upon which it is printed in the journal on the calendar of the next legislative day following its printing.

**6H-4. Approval of commemorations in the house of origin.** Any member of the body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the other house. If there is objection, the legislative commemoration shall be deemed disapproved.

**6H-5. Calendaring of commemorations in the second house.** Upon receipt of a legislative commemoration from the other house, the presiding officer shall place it on the next day's legislative calendar along with a notation of the page upon which it is printed in the journal.

**6H-6. Approval of commemorations in the second house.** Any member of the receiving body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the house of origin. If there is objection, the legislative commemoration shall be deemed disapproved.

**6H-7. Enrollment of commemorations.** The secretary of the Senate or the chief clerk of the House of Representatives shall deliver the original enrolled legislative commemoration to the prime sponsor.

**CHAPTER 6I.  
COMPUTERIZED INFORMATION SYSTEM**

**6I-1. Bill Status.** The bill status, created by the computerized information system, is the official record of action to the bill.

**CHAPTER 7.  
COMMITTEES**

**STATUTORY PROVISIONS**

**§ 2-6-1. Administration of oaths by committee member.** *Any member of the Senate or House of Representatives, while acting as a member of any committee thereof, shall have authority to administer oaths to such persons as shall be examined before such committee.*

**§ 2-6-2. Composition and appointment of Government Operations and Audit Committee--Duties and reports--Assistance.** *There shall be appointed at each regular session of the Legislature a Government Operations and Audit committee of ten, consisting of five members of the Senate appointed by the president pro tempore of the Senate, one of whom shall be a member of the Judiciary Committee, and five members of the House of Representatives appointed by the speaker of the house, one of whom shall be a member of the Judiciary Committee, for the purpose of inquiry and review of any phase of the operations and the fiscal affairs of any department, institution, board, or agency of the state, to review any findings of abuse or neglect in a juvenile corrections facility, to make a continuing study of the operation of the state's correctional system, and to make a detailed report to the Senate and House of Representatives and submit a copy of its report to the appropriation committee of each house of the Legislature at the next succeeding session of the Legislature or any special session of the Legislature upon request of the body.*

*The Department of Legislative Audit shall provide assistance, including clerical help, to the committee upon request.*

**§ 2-6-4. Investigative powers of Government Operations and Audit Committee.** *The Government Operations and Audit Committee may examine all records and vouchers, summon witnesses, and thoroughly examine all expenditures and the general management of each department.*

**§ 2-6-5. Disobedience of legislative summons as misdemeanor.** *Any person who is summoned to attend as a witness before either house of the Legislature or any committee thereof authorized to summon or subpoena witnesses, and who refuses or neglects without lawful excuse to attend pursuant to the summons or subpoena, is guilty of a Class 2 misdemeanor.*

**§ 2-6-6. Refusal to testify or produce evidence before Legislature as misdemeanor.** *Any person who, being present before either house of the Legislature or any committee thereof authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce upon*

*reasonable notice any material or proper books, papers, or documents in his possession or under his control, is guilty of a Class 2 misdemeanor.*

**§ 2-6-7. Forfeiture of office by legislator in violation--Disqualification from public office.** *The conviction of a member of the Legislature of any crime defined in § 2-6-5 or 2-6-6 involves as a consequence, in addition to the punishment prescribed therein, a forfeiture of his office and disqualifies him from ever thereafter holding any public office under this state.*

**§ 2-6-8. Retirement laws study committee created--Purpose.** *There is hereby created the South Dakota Retirement Laws Committee to make a continuing study of the pension and annuity and benefit laws relating to employees and officers in public service.*

**§ 2-6-9. Appointment and terms of Retirement Laws Committee members--Political affiliations.** *The Retirement Laws Committee shall consist of five members of the House of Representatives to be appointed by the speaker of the House of Representatives and five members of the Senate to be appointed by the president pro tempore of the Senate. The members of the Retirement Laws Committee shall be appointed biennially for terms expiring on January first of each succeeding odd-numbered year and shall serve until their respective successors are appointed and qualified. No more than three from each legislative body may be from the same political party.*

**§ 2-6-10. Officers of Retirement Laws Committee--Staff assistance.** *The Retirement Laws Committee shall select a chairman and vice-chairman and shall be provided with staff assistance from the Legislative Research Council staff.*

**§ 2-6-11. Study of retirement laws by committee--Emphasis.** *The Retirement Laws Committee shall continue the study of the retirement and pension laws applicable to employees and officers in government service throughout the state and shall appraise and evaluate existing laws relating to retirement and pension. It shall give particular study and consideration to the financial affairs of the retirement funds and shall recommend revisions in financial provisions and methods of amortizing the accrued liabilities of such funds without impairment of any of the rights and equities of participants and beneficiaries but in conformity with sound and established principles of financing retirement fund obligations.*

**§ 2-6-12. Legislative drafts and recommendations by Retirement Laws Committee--Reports--Review of proposals.** *The Retirement Laws Committee shall present legislative drafts to effect sound and equitable public employees retirement programs. The Retirement Laws Committee shall study and make recommendations concerning the extension of retirement coverage to public employees to whom retirement protection has not been accorded. The Retirement Laws Committee shall from time to time report to the Legislature which report shall include but not be limited to the financial soundness of the system. The Retirement Laws Committee shall review all proposed legislation that affects public employee retirement in the state and shall make its report to the Legislature. During the legislative session, however, the standing*



*committees established to review retirement laws legislation shall review proposed legislation that affects public employee retirement.*

## **RULES**

**7-1. Committee procedure--Relaxed debate.** The rules of procedure in a committee are the same as the rules of the body insofar as the rules are applicable to committee procedure. However, as conditions permit, the rules limiting debate may be relaxed to allow free discussion and to facilitate the work of the committee. Discussion and debate may be permitted by the chair on an amendment that has not been moved.

**7-1.1. Subcommittees.** The president pro tempore of the Senate, speaker of the House or a chair of a standing committee may designate subcommittees, the number of members to serve on each subcommittee, the chair of each subcommittee, the members of the subcommittee, and the period of time the subcommittee shall serve.

**7-1.2. Committee action on bills and resolutions.** Unless otherwise ordered under Joint Rule 6D-1, all bills or resolutions shall be referred to one of the standing committees. The chair of a standing committee may then assign a bill or resolution to a subcommittee of that standing committee. All subcommittees shall return such bills or resolutions as are assigned to them for consideration, to the standing committee with or without recommendation and within the time which will permit the full standing committee to act upon the bill or resolution.

**7-1.3. Meetings open to public.** Subject to Article III, Section 15 of the Constitution, all committee or subcommittee meetings shall be open to the public.

**7-1.4. Posting of agendas.** Agendas of the bills, resolutions, and other proposals to be considered at any meeting of a standing committee or subcommittee shall be posted on the bulletin board of the respective house. At least one legislative day shall intervene between the date of posting and the date of consideration. An agenda must be posted by 5 p.m. in order to allow for an intervening legislative day. However, if a day of legislative recess intervenes between the date of posting and the date of consideration, the requirement of posting is fulfilled if posting is made by 5 p.m. on the day before the legislative recess. This rule does not apply to consideration of a bill or resolution for which action is required pursuant to Joint Rule 7-7.

**7-1.5. Consideration of matters not posted.** A two-thirds majority of the committee members present may bring a matter up for consideration at any time.

**7-1.6. Formal action required on all legislative proposals.** Standing committees shall take formal action regarding each legislative proposal submitted for their consideration.

**7-1.7. Vote requirement.** Final disposition on a bill or resolution requires a majority vote of the committee members-elect taken by roll call.

**7-1.8. Final disposition.** Final disposition is any action which moves a bill out of a committee to the floor of a house or to another committee or which removes it from

further consideration by the committee. Examples of final disposition include "Do Pass," "Do Pass, Amended," "Refer to Another Committee," "Lay on the Table," and "Defer to 41st Day."

**7-1.9. Attachment of amendments to bills or resolutions reported unfavorably.** Unless a bill has been ordered to be delivered pursuant to Joint Rule 7-7, a committee may amend a bill or resolution that it reports "Do Not Pass" or "Without Recommendation."

**7-1.10. Amendment of a previously tabled bill.** If a bill is removed from the table and amended so that it requires a title amendment, the title must be amended and then the bill reported for a new hearing pursuant to Joint Rule 7-1.4, unless placed by Joint Rule 7-1.5.

**7-2. Committee reports.** Each committee shall report final committee actions on legislative proposals. The chair of a committee shall sign the reports of the committee and present them to the body when the call for committee reports is made. The chair is responsible for the accuracy and propriety of the chair's statements and shall answer any questions pertaining to the report. This rule does not prohibit the committees on legislative procedure from reporting at any time. Formal actions shall be reported to the body not later than the next legislative day in an informational committee report which is printed in the daily journal.

**7-3. Reports of select committees.** Select committees to which matters are referred shall in all cases report a statement of facts and their opinion on the matters to the body.

**7-4. Dissenting reports.** If the members of a committee cannot agree on its report, the majority and minority may each make a report. Any member dissenting in whole or in part from the reasoning and conclusions of both majority and minority may also present a statement of the member's reasoning and conclusions. All reports shall be entered in the journal if found by the presiding officer to be decorous in language and respectful to the house.

**7-5. Filing of committee minutes.** The minutes of all standing committees shall be prepared and filed on a computerized legislative information system. Computer terminals shall be available in the Presidents' and Speakers' lobbies of the capitol.

**7-6. Contents of committee minutes.** Minutes of standing committees filed pursuant to Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief summary of each proposal's major provisions; the committee's action, if any, on each proposal, including a brief minority report if requested by any committee member; a record of how each committee member voted when action was taken, including votes on motions to postpone consideration of proposals; and a list of all persons testifying before the committee on each proposal and the interest they represent. Minutes of budget hearings conducted by an appropriations committee may contain a synopsis of testimony received. Minutes shall be open to the public for inspection.

**7-7. Demand for delivery of bill or resolution to house--"Smoke-out."** Each house may by motion order its committee to deliver a bill or resolution under its consideration

to that house, if no more than three legislative days have passed since the committee reported that the bill or resolution was tabled or deferred to the 41st legislative day. If the motion is supported by the vote of one-third or more of the members-elect, the committee shall, not later than the next legislative day, deliver the bill or resolution to the house with or without recommendation. The bill or resolution shall be delivered to the house in the same form as it was when it was tabled or deferred to the 41st legislative day by the committee.

**7-8. Placement of "smoked-out" bill or resolution on calendar.** If a bill or resolution is delivered to the House of Representatives or Senate pursuant to Joint Rule 7-7 on the last day for passage and it was not reported "Do Pass," the bill or resolution may, by motion approved by a majority of the members-elect of the House of Representatives or Senate, be placed on that day's calendar.

**7-9. Calendar committee.** The calendar committee in the Senate consists of the president pro tempore, the Senate majority leader, and the Senate minority leader. The calendar committee in the House consists of the speaker of the House, the House majority leader, and the House minority leader. The committee shall determine the daily legislative calendar.

**7-10. Co-chairs of joint committees.** Chairs of standing committees operating and voting as joint committees shall serve as co-chairs of the joint committees.

**7-11. Introduction of general appropriation bill.** Any general appropriation bill shall be introduced in the House of Representatives in even-numbered years and in the Senate in odd-numbered years.

**7-11.1. Selection of revenue targets.** The Joint Committee on Appropriations shall select general fund revenue targets for the current and next fiscal years by February 15th for the purpose of setting appropriations. The Committee may subsequently adjust the general fund revenue targets.

**7-12. Joint committees on appropriations.** The Joint Committee on Appropriations, consisting of the Senate and House Committees on Appropriations, is deemed to be a standing committee of the Senate and House of Representatives for the limited purposes of hearing agency or other budget presentations, and introducing, hearing, or acting on bills that authorize the sale of state property, appropriate money, or adjust school district property tax levies pursuant to an appropriations bill. All Joint Committee on Appropriations action shall be approved by a majority vote of the Joint Committee unless a member calls for a separate vote of the House Committee on Appropriations and the Senate Committee on Appropriations in which case a majority vote of each committee is required to adopt the action.

Each agenda for the Joint Committee on Appropriations shall be approved by the chair of the Senate Committee on Appropriations and the chair of the House Committee on Appropriations. The respective vice chair of each committee may sign in the absence of the chair.

**7-13. Entertainment of motions.** No motion may be debated until it is seconded. Following the second of a debatable motion, the chair shall first recognize the member making the motion. No member of the House of Representatives may make introductory remarks prior to making a motion.

**7-14. Restatement and reading of motions.** When a motion is made and seconded, it shall be restated by the chair.

**7-15. Withdrawal of motions.** After a motion is stated by the chair, it may not be withdrawn without consent of the members who made and seconded the motion.

**7-16. Motions.** When a question is under debate, no motion may be made except the following motions:

- (1) Adjourn; (nondebatable)
- (2) Recess;
- (3) Call the previous question; (nondebatable)
- (4) Lay on the table; (nondebatable)
- (5) Defer to the 41st day;
- (6) Do pass;
- (7) Do pass, amended;
- (8) Do not pass;
- (9) Do not pass, amended;
- (10) Without recommendation;
- (11) Without recommendation, amended;
- (12) Defer to a day certain;
- (13) Refer to another committee;
- (14) Refer to another committee, amended;
- (15) Amend;
- (16) Approve or amend minutes; and
- (17) Appoint a subcommittee.

**7-17. Application and nondebatability of motions to lay on the table.** A motion to lay on the table which effects a disposition on the merits of any bill or resolution requires the vote of a majority of the committee members-elect to carry and shall be decided without debate. No other motion may be made until the members have voted on the motion to lay on the table. Any other motion to lay on the table requires the vote of a majority of the committee members present and shall be decided without debate. No committee member may make introductory remarks prior to making a motion to lay on the table.

**7-18. Scope of motions to lay on the table.** A motion to lay on the table may be made so as to apply either to the main question or to a proposed amendment or to the bill and all pending amendments, and the motion shall clearly state to which it is intended to apply.

**7-19. Motion to take from the table or to reconsider the bill.** Whenever any bill or resolution is laid on the table or deferred to a day certain beyond sine die, it requires a majority vote of the committee members-elect to take it from the table or to reconsider

the bill or resolution which was deferred. The motion to take from the table or to reconsider is debatable.

**7-20. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to motions to table and to defer to a day certain beyond sine die shall be the same except that a motion to defer to a day certain beyond sine die is debatable.

**7-21. Motion to call the previous question.** A motion for the previous question shall be decided immediately by a majority of the committee members present and without debate. The motion shall clearly indicate the question to which it applies. No committee member may make introductory remarks prior to making a motion to call the previous question. The effect of adopting a motion to call the previous question is to close debate, to prevent the moving of amendments or other subsidiary motions, and to bring to vote immediately the question to be voted upon. The effect of defeating a motion to call the previous question is to allow continuation of debate on the question before the committee.

**7-22. Priority of vote after call of the previous question.** After a motion to call the previous question has prevailed, it is not in order to move to adjourn, prior to a decision of the question before the committee.

**7-23. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer indefinitely or to refer to another committee is decided in the negative, such motion is not again in order at the same stage of consideration of the bill or proposition.

**7-24. Motion to postpone as final action.** A motion to defer indefinitely or to a date beyond the sine die adjournment of the Legislature requires the vote of a majority of the committee members-elect.

**7-25. Germaneness of amendments.** No motion to amend a bill is in order unless it is germane to the subject as expressed in the title of the bill.

**7-26. Limitations on number of motions to amend and substitute motions.** When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment is in order. It is also in order to offer a further amendment as a substitute, but such substitute is not subject to amendment.

**7-27. Division of the question.** Any member may call for a division of the question. The chair shall divide the question if it contains questions so distinct that, one being taken away, the rest may stand as a separate proposition. A member may not call for the division of a bill.

**7-28. Committee procedure - Remote electronic testimony.** During any regular or special session of the Legislature, a committee chair may permit a person to appear from a remote site and give testimony before the committee by electronic audio or video means.

## CHAPTER 8. CONFERENCE COMMITTEES

**8-1. Appointment and composition of conference committees.** In every case of disagreement between the two houses, if either house requests a conference and appoints a committee for that purpose, the other house shall appoint a committee to confer with a like committee of the other house upon the subject of the disagreement, and to report back to its house of appointment. Each conference committee shall consist of three members of each house. The members from the House of Representative shall be appointed by the speaker of the House and the members from the Senate shall be appointed by the president pro tempore of the Senate. Insofar as possible, members appointed to conference committees shall be representative of the decision within the house upon the issue under consideration.

**8-2. Conference committee meetings, committee reports, and reports must be germane.** Conference committees shall meet in open session, and minutes shall be taken and prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the house of origin shall announce to that body the time and location of each conference committee meeting. The co-chairs of each conference committee shall report the results of each meeting to the body in a conference committee report jointly signed by both. The conference committee report must be germane to the title of the bill as submitted to the conference committee. The adoption of any conference committee report constituting final disposition must be approved by the recorded affirmative vote of at least two members from each house.

**8-3. Final disposition of report and distribution of reports.** Adoption of a conference committee report recommending passage of a bill or adoption of a resolution constitutes final disposition. The vote required to concur in the amendments of the other House or to adopt a conference committee report shall be the same as that required for final passage of the bill or resolution taking such bill or resolution as a whole. Before the final vote on the adoption of a conference committee report may be taken, any member of the body may require that the report be distributed in written form to the members of the body.

**8-4. Member may move to not appoint a subsequent conference committee--Final disposition.** However, if a conference committee report is not adopted, any member may move not to appoint a new conference committee. If that motion prevails it constitutes final disposition of that bill or resolution.

## CHAPTER 9. COMMITTEE OF THE WHOLE

**9-1. Designation of committee of the whole chair.** If either house sits as a committee of the whole, the presiding officer shall name one of the members as chair, who shall be vested with all the authority of the presiding officer of the house concerned while the committee of the whole is in session.

**9-2. Rules of the committee of the whole.** The rules observed by the house concerned shall govern as far as practicable, except that:

- (1) The yeas and nays may not be called;
- (2) The previous question may not be enforced; and
- (3) The time of speaking may not be limited.

**9-3. Adjournment of the committee of the whole.** A motion that the committee rise is always in order and shall be decided without debate.

## **CHAPTER 10. JOURNALS**

### **CONSTITUTIONAL PROVISIONS**

**Art. III, § 13. Legislative journals--Recording of yeas and nays.** EACH HOUSE SHALL KEEP A JOURNAL OF ITS PROCEEDINGS AND PUBLISH THE SAME FROM TIME TO TIME, EXCEPT SUCH PARTS AS REQUIRE SECRECY, AND THE YEAS AND NAYS OF MEMBERS ON ANY QUESTION SHALL BE TAKEN AT THE DESIRE OF ONE-SIXTH OF THOSE PRESENT AND ENTERED UPON THE JOURNAL.

### **STATUTORY PROVISIONS**

**§ 2-7-7. Officers to keep legislative journals--Custody and disposition of bills and documents.** It shall be the duty of the secretary of the Senate and chief clerk of the House of Representatives to keep correct journals of the proceedings of the senate and house, respectively; to have the custody of all records, accounts, and other papers committed to them and at the close of each session of the Legislature to deposit for safekeeping in the Office of the Secretary of State all books, bills, documents, resolutions, and papers in the possession of the Legislature, correctly labeled, folded, and classified, and generally to perform such duties as shall be assigned them by the senate or house, respectively; provided, such journals shall be deposited within forty days after the adjournment of the Legislature.

**§ 2-7-8. Time of delivery of daily legislative journals--Penalty for delay--Waiver.** The contractor for printing and binding of the journals of the Legislature shall deliver the daily journals to the Legislature at least two hours before the convening of the Legislature on the following legislative day and, if he fails to do so, he is subject to a penalty of ten dollars per hour for each hour's delay to be deducted from any sum due him on the contract, or recovered from his performance bond in the event such deduction from contract cannot be made. The director of the Legislative Research Council may waive the penalty provisions of this section if failure to deliver the daily journals as required is due to circumstances which the director considers to be sufficiently extenuating.

**§ 2-7-10. Permanent journals as official record of proceedings.** The corrected daily copies of the journal of the Senate and House of Representatives, together with the index thereof, shall constitute, and be the official permanent record of the legislative proceedings.

**§ 2-7-11. Time of delivery of permanent journals--Distribution and price.** *The contractor for printing the journal indexes of the Legislature shall deliver them to the Legislative Research Council within ninety days after copy therefor has been furnished. The Legislative Research Council shall provide for the distribution of the journals. Price and distribution of the journal indexes shall be determined by a joint-select committee of the Legislature.*

**§ 2-7-12. Certified copies of journals as prima facie evidence of proceedings.** *Duly certified copies of such journals shall be received in all courts of the state as original evidence, and the volumes wherein the same are published by authority of the state, shall be prima facie evidence of such proceedings.*

## **RULES**

**10-1. Daily journal.** A journal of each house shall be made available daily by posting to the Legislative Research Council internet site by the following morning. The journal need not be read unless ordered. The secretary of the Senate and the chief clerk of the House shall report on the correctness of the journal to the committees on legislative procedure. The committees on legislative procedure shall in turn report to their respective houses.

**10-2. Journal contents.** In keeping a correct journal, the secretary of the Senate and the chief clerk of the House shall record in the journals of their respective houses the motions, resolutions, rules and decisions of the respective houses.

**10-3. Journal format and certification.** The secretary of the Senate and the chief clerk of the House shall each furnish a corrected copy of their respective compiled daily journals to the printer having the contract for the printing of the journals. The secretary and the chief clerk shall preface the journals by a title to appear on the first page of the permanent volumes of the journals, substantially as follows:

(Proceedings of the Senate or  
House of Representatives)  
of the  
Legislative Session  
State of South Dakota

(Seal of State)  
Begun and Held at Pierre South Dakota  
on  
Tuesday, January \_\_\_\_ 20\_\_  
and Concluded  
\_\_\_\_\_ March, \_\_\_\_\_ 20\_\_  
Published under the Direction and  
Authority of the Legislature

On the second page of the journal the secretary or chief clerk shall certify that the record contains a full, true, and correct proceeding of the legislative session.



One copy each of the daily permanent journals of the House and Senate shall be certified as follows:

I hereby certify that the following (Senate or House) journal of the \_\_\_\_\_ legislative day is correct.

(Secretary of the Senate  
or Chief Clerk of the House)

The certified copies shall be filed with the secretary of state not later than forty days after the adjournment of the Legislature.

## CHAPTER 11. RULES

### CONSTITUTIONAL PROVISIONS

**Art. III, § 9. Each house as judge of qualifications--Quorum--Rules of Proceedings--Officers and employees.** EACH HOUSE SHALL BE THE JUDGE OF THE ELECTION RETURNS AND QUALIFICATIONS OF ITS OWN MEMBERS. A MAJORITY OF THE MEMBERS OF EACH HOUSE SHALL CONSTITUTE A QUORUM, BUT A SMALLER NUMBER MAY ADJOURN FROM DAY-TO-DAY, AND MAY COMPEL THE ATTENDANCE OF ABSENT MEMBERS IN SUCH A MANNER AND UNDER PENALTY AS EACH HOUSE MAY PROVIDE. EACH HOUSE SHALL DETERMINE THE RULES OF ITS PROCEEDINGS, SHALL CHOOSE ITS OWN OFFICERS AND EMPLOYEES AND FIX THE PAY THEREOF, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

### RULES

**11-1. Joint rule suspension or amendment.** No joint rule may be suspended or amended without the concurrence of a two-thirds majority of the members-elect of either house. The final vote on any amendment may not be taken upon the same day it was offered.

**11-2. Adopting joint rules.** A joint rule may be adopted by concurrence of a majority of the members-elect of each house.

**11-3. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative Procedure* governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

## CHAPTER 12. VOTING REQUIREMENTS AND PROCEDURE

### CONSTITUTIONAL PROVISIONS

**Art. III, § 18. Enacting clause--Assent by majority--Recording of votes.** THE ENACTING CLAUSE OF A LAW SHALL BE: " BE IT ENACTED BY THE

LEGISLATURE OF THE STATE OF SOUTH DAKOTA" AND NO LAW SHALL BE PASSED UNLESS BY ASSENT OF A MAJORITY OF ALL THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE. AND THE QUESTION UPON THE FINAL PASSAGE SHALL BE TAKEN UPON ITS LAST READING, AND THE YEAS AND NAYS SHALL BE ENTERED UPON THE JOURNAL.

**Art. XI, § 14. Vote required to impose or increase taxes.** THE RATE OF TAXATION IMPOSED BY THE STATE OF SOUTH DAKOTA IN REGARD TO ANY TAX MAY NOT BE INCREASED AND NO NEW TAX MAY BE IMPOSED BY THE STATE OF SOUTH DAKOTA UNLESS BY CONSENT OF THE PEOPLE BY EXERCISE OF THEIR RIGHT OF INITIATIVE OR BY A TWO-THIRDS VOTE OF ALL THE MEMBERS ELECT OF EACH BRANCH OF THE LEGISLATURE.

**Art. XII, § 2. Contents of general appropriation bill--Separate appropriation bills.** THE GENERAL APPROPRIATION BILL SHALL EMBRACE NOTHING BUT APPROPRIATIONS FOR ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE, THE CURRENT EXPENSES OF STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON SCHOOLS. ALL OTHER APPROPRIATIONS SHALL BE MADE BY SEPARATE BILLS, EACH EMBRACING BUT ONE OBJECT, AND SHALL REQUIRE A TWO-THIRDS VOTE OF ALL THE MEMBERS OF EACH BRANCH OF THE LEGISLATURE.

**Art. XXIII, § 1. Amendments.** AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED BY INITIATIVE OR BY A MAJORITY VOTE OF ALL MEMBERS OF EACH HOUSE OF THE LEGISLATURE. AN AMENDMENT PROPOSED BY INITIATIVE SHALL REQUIRE A PETITION SIGNED BY QUALIFIED VOTERS EQUAL IN NUMBER TO AT LEAST TEN PER CENT OF THE TOTAL VOTES CAST FOR GOVERNOR IN THE LAST GUBERNATORIAL ELECTION. THE PETITION CONTAINING THE TEXT OF THE PROPOSED AMENDMENT AND THE NAMES AND ADDRESSES OF ITS SPONSORS SHALL BE FILED AT LEAST ONE YEAR BEFORE THE NEXT GENERAL ELECTION AT WHICH THE PROPOSED AMENDMENT IS SUBMITTED TO THE VOTERS. A PROPOSED AMENDMENT MAY AMEND ONE OR MORE ARTICLES AND RELATED SUBJECT MATTER IN OTHER ARTICLES AS NECESSARY TO ACCOMPLISH THE OBJECTIVES OF THE AMENDMENT.

## STATUTORY PROVISIONS

**§ 4-8A-1(1). Definition of terms.** Terms as used in this chapter, unless the context otherwise requires, mean:

(1) "General appropriation act," the bill enacted by the Legislature in accordance with the provisions of S.D. Const., Article XII, § 2, requiring a majority vote of all the members of each house of the Legislature; [.]

## RULES

**12-1. Voting required, exceptions, passes.** Each member who is in the chamber when a question is put shall vote unless the body excuses the member. A member may pass only once on any roll call vote.

**12-2. Voting restrictions.** No member may vote on any question unless within the chamber and voting before the result of the vote is announced.

**12-3. Voting procedures.** Questions shall be put in this form: "As many as favor the question, as stated, say 'Yea'; as many as are opposed to the question, as stated, 'Nay'." If the presiding officer doubts the result of a vote or if a division is called for, the members shall divide. Those in the affirmative shall rise from their seats and remain standing until counted. A vote of "aye" or "yes" shall be recorded as "yea" and a vote of "no" shall be recorded as "nay."

**12-4. Changing votes.** If the yeas and nays have been taken on any question, no member may change a vote after the decision is announced from the chair, unless by unanimous consent of the house.

**12-5. Majority vote required for resolutions.** Any joint or concurrent resolution requires a majority vote of the members elected to each house of the Legislature, and the yeas and nays shall be entered upon the journal. Any House or Senate resolution requires a majority vote of the members elected to that house, and the yeas and nays shall be entered upon the journal.

**12-6. Two-thirds majority vote required to repeal or amend a sunset provision in the case of a tax statute.** Any repeal of or amendment to a provision which automatically abolishes the imposition of a tax at a specified time allowing the tax to continue in force requires an affirmative vote of two-thirds of the members elect.

## CHAPTER 13. CONSENT CALENDAR

**13-1. Consent calendar recommendations by standing committees.** Each standing committee may report an uncontested bill or resolution out of committee with the recommendation that it be placed on the consent calendar. As used in this rule, an "uncontested bill or resolution" is any bill or resolution, except a revenue measure, which receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present and has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill or resolution as approved by the committee.

**13-2. Consent calendar placement, objections.** Any bill or resolution certified by the committee chair as an uncontested bill or resolution shall be placed by the secretary of the Senate or the chief clerk of the House of Representatives, on the consent calendar, upon an affirmative vote therefor of all the members present of the committee reporting the bill or resolution to its respective house. Upon objection of any member to the placement or retention of any bill or resolution on the consent calendar, the bill or

resolution shall be removed from the consent calendar and may be placed on the house calendar for second reading on the following legislative day. No consent calendar bill or resolution may be considered for adoption until the legislative day following the day of its placement on the consent calendar.

**13-3. Consent calendar scheduling.** The calendar committee in each house may schedule consent calendar bills and resolutions at any time.

**13-4. Consent calendar items--Questions, voting.** Bills and resolutions on the consent calendar are not debatable. The president of the Senate or the speaker of the House of Representatives shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions. Immediately before voting on the first bill or resolution on the consent calendar, the president of the Senate or the speaker of the House of Representatives shall call to the attention of the members the fact that the next roll call will be the roll call on the bill or resolution on the consent calendar.

## **CHAPTER 14. EFFECTIVE DATE OF LEGISLATION AND VETO CONSIDERATIONS**

### **CONSTITUTIONAL PROVISIONS**

**Art. III, § 22. Effective date of acts--Emergency clause.** *NO ACT SHALL TAKE EFFECT UNTIL NINETY DAYS AFTER THE ADJOURNMENT OF THE SESSION AT WHICH IT PASSED, UNLESS IN CASE OF EMERGENCY, (TO BE EXPRESSED IN THE PREAMBLE OR BODY OF THE ACT) THE LEGISLATURE SHALL BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED OF EACH HOUSE, OTHERWISE DIRECT.*

**Art. IV, § 4, Par. 1, 2, 3, 4. Veto power.** *WHENEVER THE LEGISLATURE IS IN SESSION, ANY BILL PRESENTED TO THE GOVERNOR FOR SIGNATURE SHALL BECOME LAW WHEN THE GOVERNOR SIGNS THE BILL OR FAILS TO VETO THE BILL WITHIN FIVE DAYS, NOT INCLUDING SATURDAYS, SUNDAYS, OR HOLIDAYS, OF PRESENTATION. A VETOED BILL SHALL BE RETURNED BY THE GOVERNOR TO THE LEGISLATURE TOGETHER WITH THE GOVERNOR'S OBJECTIONS WITHIN FIVE DAYS, NOT INCLUDING SATURDAYS, SUNDAYS, OR HOLIDAYS, OF PRESENTATION IF THE LEGISLATURE IS IN SESSION OR UPON THE RECONVENING OF THE LEGISLATURE FROM A RECESS. ANY VETOED BILL SHALL BE RECONSIDERED BY THE LEGISLATURE AND, IF TWO-THIRDS OF ALL MEMBERS OF EACH HOUSE SHALL PASS THE BILL, IT SHALL BECOME LAW.*

*WHENEVER A BILL HAS BEEN PRESENTED TO THE GOVERNOR AND THE LEGISLATURE HAS ADJOURNED SINE DIE OR RECESSED FOR MORE THAN FIVE DAYS WITHIN FIVE DAYS FROM PRESENTATION, THE BILL SHALL BECOME LAW WHEN THE GOVERNOR SIGNS THE BILL OR FAILS TO VETO IT WITHIN FIFTEEN DAYS AFTER SUCH ADJOURNMENT OR START OF THE RECESS.*

*THE GOVERNOR MAY STRIKE ANY ITEMS OF ANY BILL PASSED BY THE LEGISLATURE MAKING APPROPRIATIONS. THE PROCEDURE FOR*

RECONSIDERING ITEMS STRUCK BY THE GOVERNOR SHALL BE THE SAME AS IS PRESCRIBED FOR THE PASSAGE OF BILLS OVER THE EXECUTIVE VETO. ALL ITEMS NOT STRUCK SHALL BECOME LAW AS PROVIDED HEREIN.

BILLS WITH ERRORS IN STYLE OR FORM MAY BE RETURNED TO THE LEGISLATURE BY THE GOVERNOR WITH SPECIFIC RECOMMENDATIONS FOR CHANGE. BILLS RETURNED SHALL BE TREATED IN THE SAME MANNER AS VETOED BILLS EXCEPT THAT SPECIFIC RECOMMENDATIONS FOR CHANGE AS TO STYLE OR FORM MAY BE APPROVED BY A MAJORITY VOTE OF ALL THE MEMBERS OF EACH HOUSE. IF THE GOVERNOR CERTIFIES THAT THE BILL CONFORMS WITH THE GOVERNOR'S SPECIFIC RECOMMENDATIONS, THE BILL SHALL BECOME LAW. IF THE GOVERNOR FAILS TO CERTIFY THE BILL, IT SHALL BE RETURNED TO THE LEGISLATURE AS A VETOED BILL.

## STATUTORY PROVISIONS

**§ 2-14-16. Effective date of legislative acts.** Subject to the provisions of the Constitution and statutes relating to vetoes and the referendum, an act of the Legislature which does not prescribe when it shall take effect, if passed at a regular session, takes effect on the first day of July after its passage and if passed at a special session on the ninety-first day after the final adjournment of such session.

**§ 2-7-20.1. Certificate of conformity by Legislature in form and style.** Whenever the Governor certifies, pursuant to paragraph four of section 4 of article IV of the Constitution, that the Legislature has conformed a bill to his recommendations, that certificate shall be typed and signed on the enrolled bill.

**§ 2-7-20.2. Veto of bills passed before last four session days--Message to house of origin--Reconsideration--Filing with secretary of state.** Whenever the Governor vetoes any bill or any items of a bill which was presented to him five or more calendar days before an adjournment or a recess of the Legislature, he shall transmit his veto message with the original bill to the secretary of the Senate or chief clerk of the House of Representatives, whichever was the house of origin, on the date of his exercise of the power but no later than noon on the last legislative day prior to adjournment or recess. The officer of the house receiving the veto message shall certify on the original copy of the bill whether reconsideration was had and the vote on any reconsideration and shall transmit the bill and veto message to the secretary of state for filing when the time for reconsideration has passed.

**§ 2-7-20.3. Veto of bills too late for return to Legislature--Transmittal to secretary of state.** Whenever the Governor vetoes a bill or any items of a bill which was presented to him during the final four days preceding an adjournment or a recess and it cannot be transmitted to the house of origin in session, he shall transmit the original bill and his veto message to the secretary of state within one day following his veto but no later than the sixteenth day following adjournment or recess.

**§ 2-7-20.4. Bills becoming law without Governor's signature or objections.** Whenever the Governor fails to veto any bill which shall become law without his signature or the certificate referred to in § 2-7-20.1, he shall deliver it to the secretary of

*state who shall note, beneath the signature line provided for the Governor, that it was delivered by the Governor without his signature and without his objections. No communication relating to his reasons for not signing the bill shall be filed or recorded by the secretary of state.*

## **CHAPTER 15. INTERHOUSE COMMUNICATIONS AND TRANSMISSIONS**

**15-1. Communications by messages.** Any communication between the Senate and the House of Representatives shall be by message which shall be signed by the secretary or chief clerk, respectively, and sent to the house to which it is addressed.

**15-2. Notification of bill or resolution rejection.** If a bill or joint resolution which has passed one house is rejected by the other, the house of origin shall be immediately notified of this action.

**15-3. Notification of bill or resolution deferred to the 41st day.** If the consideration of any bill or joint resolution which originated in one house shall be postponed in the other house to a day so distant that it will not be taken up again by the present session, the house of origin shall be immediately notified of such action.

## **CHAPTER 16. JOINT SESSION**

**16-1. Organization of a joint session.** While the two houses are acting together on any matter, the president of the Senate shall preside and all questions of order shall be decided by the president, subject to an appeal of both houses, as though but one body was in session.

**16-2. Call of the house.** A call of the members of either house may be had in joint session by order of the house in which the call is desired.

**16-3. Recording of the proceedings.** The secretary of the Senate and the chief clerk of the House shall be the clerks of the joint session and keep a record of the proceedings and enter the record in the journals of the Senate or of the House.

**16-4. Motion to defer or adjourn.** Any motion to defer or adjourn shall be decided by a joint vote of both houses, and, if required, the yeas and nays shall be entered upon the journals of both houses.

**16-5. Suspension of floor privileges.** During a joint session, former Governors, Lieutenant Governors, members of the Congress of the United States from South Dakota and former members of the South Dakota Legislature will not be admitted to the chamber. The presiding officer will instruct the sergeant at arms to provide a reserve seating section in the chamber gallery for these former officials who wish to witness the joint session.

**CHAPTER 17.  
LEGISLATIVE DEADLINES**

<b>Legislative Deadlines</b>	
<b>Legislative Action</b>	<b>40 Day Session</b>
A. Last day for unlimited introduction of individual bills and joint resolutions <sup>1</sup>	12 <sup>th</sup> Day
B. Last day for introduction of individual bills and joint resolutions <sup>1</sup>	15 <sup>th</sup> Day
C. Last day for introduction of committee bills and joint resolutions <sup>1</sup>	16 <sup>th</sup> Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 <sup>th</sup> Day
E. Last day to move required delivery of bills or resolutions by a committee to the house of origin	28 <sup>th</sup> Day
F. Last day to pass bills or joint resolutions by the house of origin and to introduce concurrent resolutions	29 <sup>th</sup> Day
G. Last day for introduction of commemorations	33 <sup>rd</sup> Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 <sup>th</sup> Day on
I. Last day to move required delivery of bills or resolutions by a committee to the second house	35 <sup>th</sup> Day
J. Last day for a bill or joint resolution to pass both houses	36 <sup>th</sup> Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40 <sup>th</sup> Day
<sup>1</sup> Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

**17-1. Exceptions to deadlines for appropriation bills.** Any general appropriation bill and any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, E, F, I, and J, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

Any appropriation bill that is not a general appropriation bill, which is referred to or reported to the floor by the House Appropriations, the Senate Appropriations or the Joint Committee on Appropriations, is subject to the following legislative deadlines, in lieu of the legislative deadlines of E and F, in this chapter:

- (1) Last day to move required delivery of bills by a committee to the house of origin: 31st Day;
- (2) Last day to pass bills by the house of origin: 32nd Day.

**17-2. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-five (35) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in Chapter 17 of the Joint Rules shall be decreased as follows:

(1) Decrease the deadlines occurring after the 16<sup>th</sup> day but prior to the 34<sup>th</sup> day by one (1) day for every two (2) days by which the length of the adopted calendar is less than forty (40) days;

(2) Decrease the deadlines occurring on and after the 34<sup>th</sup> day by the same number of days by which the length of the adopted calendar is less than forty (40) days.