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JOINT RULES

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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. In the Senate, the time allowed for a member to speak on a pending subject is as provided in Senate Rule S2-5. In the House of Representatives, the time allowed for a member to speak on a pending subject is as provided in House Rule H2-1.

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. 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 such 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.

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.

2-5. Remote attendance permitted. Notwithstanding the provisions of Joint Rules 2-2, 2-3, and 12-2 the president pro tempore of the Senate and the speaker of the House of Representatives may excuse a member from personal attendance at a committee meeting or at a daily floor session if the member has the COVID-19 virus or the member is in quarantine because of the COVID-19 virus. The excused member may participate and vote in any committee meeting or any daily session from a remote site and by electronic means. The president pro tempore or speaker shall notify the chair of each committee the excused member serves on that the member has been excused. The committee minutes and the daily journal shall indicate that the excused member participated and voted remotely.

CHAPTER 3.
LEGISLATIVE EMPLOYEES

CONSTITUTIONAL PROVISIONS

Art. III, Sec. 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 such 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.

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.

§ 2-5-3.1. 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.

§ 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 shall appoint all necessary employees of the House. All employee positions shall be described in a uniform compensation and classification schedule which shall be annually reviewed by the Executive Board of the Legislative Research Council.

3-1.1. Administration of intern program. The Executive Board shall administer the program and supervise the college student interns who are assigned to the legislative branch of government.

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. If a motion to reconsider a question is approved, the question shall be immediately reconsidered unless there is a motion to defer.

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 only reason a bill requires a two-thirds majority of members-elect for passage is that it contains an emergency clause, and if the affirmative vote for the bill 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 after the deadline prescribed by Joint Rule Chapter 17. 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. IV, Sec. 8. Reorganization.
All executive and administrative offices, boards, agencies, commissions and instrumentalities of the state government and their respective functions, powers and duties, except for the office of Governor, lieutenant governor, attorney general, secretary of state, auditor, treasurer, and commissioner of school and public lands, shall be allocated by law among and within not more than twenty-five principal departments, organized as far as practicable according to major purposes, by no later than July 1, 1974. Subsequently, all new powers or functions shall be assigned to administrative offices, agencies and instrumentalities in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.
Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house.

Art. XII, Sec. 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.

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 make a request of the other house, to regulate procedure, or to refer a topic to the Executive Board of the Legislative Research Council for possible study by an interim study committee;

(2) A concurrent resolution does not have the force of law. A concurrent resolution shall only be used to express an opinion or principle of the Legislature, 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, or section 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 commemoration 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 before 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 shown on it.

CHAPTER 6B.
INTRODUCTION AND SPONSORSHIP

STATUTORY PROVISIONS

§ 2-7-4. Prefiled bills--Persons authorized--Rules.
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 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 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 and 2-7-5.

§ 2-7-5. Prefiled bills--Numbering, printing, and disposition--Introduction.

The director of the Legislative Research Council shall, in accordance with rules adopted by the Legislature, receive the prefiled bills and resolutions, place them in proper form, and assign them numbers for introduction in the proper house. The director shall electronically deliver 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 the bill or resolution has been duly sworn into office.
Upon prefiling, the 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 first legislative day.

§ 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, the 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 and bills are property of Legislature. Any member or committee desiring to introduce a bill, or resolution, or any member desiring to introduce a commemoration shall electronically file the bill, resolution, or commemoration at least two hours prior to the opening of the daily session. Any bill, resolution, or commemoration filed and duly numbered becomes the property of the Legislature.

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. Joint resolutions shall be numbered consecutively as introduced, beginning with No. 501 for Senate joint resolutions and with No. 5001 for House joint resolutions. Concurrent resolutions shall be numbered consecutively as introduced, beginning with No. 601 for Senate concurrent resolutions and with No. 6001 for House concurrent resolutions. Resolutions shall be numbered consecutively as introduced, beginning with No. 701 for Senate resolutions and with No. 7001 for House 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 combined House, Senate, or concurrent resolutions, three of which must be introduced before the ninth legislative day. The final day for introduction of the fourth House, Senate, or 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. After introduction, a member's name may be electronically added as a cosponsor or as prime sponsor to a bill or resolution upon the request of the member and the approval of the prime sponsor of the bill or resolution any time before the enrolling of the bill. After introduction, a member's name may be removed upon the request of the member any time before the enrolling of the bill.

6B-5. 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, the 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.

6B-5.1. 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. The chair of the committee shall electronically file the bill or resolution for 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. Prison or jail population--Cost estimate--Requirements.
A prison or jail population cost estimate shall be electronically 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 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 or amendment 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 or amendment shall 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 final disposition is taken on the bill or amendment by any standing committee of the Legislature.

§ 2-9-34. Contents of cost estimate.
A cost estimate pursuant to § 2-9-33 shall include:
(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;

(3) A majority vote of the standing committee possessing the bill, amendment, or resolution; or

(4) 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 bill or resolution for which a fiscal note has been requested shall include a notation of the requirement on the Legislative Research Council internet site for the bill or resolution. The completed fiscal note shall be displayed on the Legislative Research Council internet site before the bill or resolution may be placed on the second reading calendar. However, the presiding officer may place the bill or resolution on the second reading calendar if the presiding officer determines a fiscal note is no longer required.

6C-3. Displaying fiscal note to bill or resolution. If a fiscal note is available, it shall be displayed on the Legislative Research Council internet site for 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 displayed on the Legislative Research Council internet site for 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 actuarial statement shall be displayed on the Legislative Research Council internet site for the 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 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 percent 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; however, no proposed amendment may embrace more than one subject. If more than one amendment is submitted at the same election, each amendment shall be so prepared and distinguished that it can be voted upon separately.

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-1.1. Amendments to the title of a bill. An amendment that alters the subject of a bill in a manner that requires a new title shall also amend the title in that amendment in accordance with the altered subject of the bill.

6E-2. Hoghouse amendments. A substitute bill shall be treated as an amendment and shall be governed by the rules governing amendments. Final committee action on any bill amended with a substitute bill 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 unless the chair otherwise delays action on the bill as amended. A request for delay is not 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

§ 2-7-17. 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 the 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. (Reserved).
6G-3. (Reserved).
6G-4. (Reserved).

6G-5. Engrossing of bills and resolutions. If a bill or resolution is amended, the amendment shall be engrossed on the bill or resolution before advancing to the next stage of the legislative process. Amendments to any bill or resolution, made by either house after engrossment, shall likewise be engrossed upon the original bill or 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 houses 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 electronically filing it. 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. 801 for the Senate and No. 8001 for the House of Representatives.

6H-3. Calendaring of commemorations. Upon introduction, the presiding officer shall place each pending legislative commemoration on the calendar of the next legislative day.

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.

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.

6I-2. Waiving electronic requirement. The presiding officer may waive the requirement that any filing, submission, or approval be done electronically, if the electronic system is not available and functional.

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 authority of Government Operations and Audit Committee--Subpoenas.
The Government Operations and Audit Committee may examine all records and vouchers, summon witnesses by request or by issuing a subpoena, and thoroughly examine all expenditures and the general management of each department of state government. The Government Operations and Audit Committee may issue a subpoena for the person, documents, or both and use the procedure provided in chapter 21-34 to enforce its subpoena when the subject of the subpoena refuses to comply with the command to appear and testify before the committee. However, no subpoena may be issued until the decision to issue a subpoena by the Government Operations and Audit Committee has been ratified by the Executive Board of the Legislative Research Council.

§ 2-6-4.1. Report may be required where audit finding reoccurs--Contents of report.
If an audit report of any department, institution, board, or agency of the state includes an audit finding that also occurred in an immediately preceding year, the Government Operations and Audit Committee may require the department, institution, board, or agency to present a report, as part of its budget hearing, during the succeeding legislative session. The report to the Appropriations Committees shall include the reasons for not implementing the audit recommendations and a corrective action plan.

§ 2-6-4.2. Criteria for issuing subpoena.
Before a subpoena may be issued by the Government Operations and Audit Committee, the committee shall determine that:
(1) A legislative purpose exists pursuant to §§ 2-6-2 and 2-6-4;
(2) The subpoenaed person or documents are relevant and material to accomplish the legislative purpose; and
(3) The information sought is not otherwise practically available.
It is not a legislative purpose to subpoena a person or documents to collect information that may be used for a criminal proceeding or to legislatively determine guilt or inflict punishment upon an identifiable person.

§ 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. Final disposition required on all legislative proposals. A standing committee shall take final disposition on each legislative proposal submitted for committee 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 electronically approve 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 shall reflect if any member is participating and voting remotely as permitted under Joint Rule 2-5. 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 chair of the committee shall, not later than the next legislative day, deliver the bill or resolution to the house without recommendation in the same form the bill or resolution was in when it was tabled or deferred to the 41st legislative day.

7-7.1. Committee recommendation of "smoked-out" bill or resolution. If a bill or resolution is tabled or deferred to the 41st legislative day by a committee that does not have all members of that committee present, and the bill or resolution is subsequently subject to Joint Rule 7-7, the chair may convene a meeting of the committee with all members of the committee present to consider whether to recommend "Do Pass" or "Do Not Pass" on the bill or resolution. If a majority of all members of the committee do not vote in favor of a "Do Pass" or "Do Not Pass" recommendation on the bill or resolution, the chair shall deliver the bill or resolution in accordance with Joint Rule 7-7.

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 electronically 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 electronically approve the agenda 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. See House Rule H3-2 regarding introductory remarks prior to making a motion in a House committee.

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) Refer to another committee, with or without recommendation;
(16) Do adopt;
(17) Do concur;
(18) Amend;
(19) Approve or amend minutes; and
(20) 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. A person shall make a request to the committee chair to give testimony under this section at least twenty-four hours before the start of the committee meeting. The committee chair may waive this requirement if the chair deems the person's testimony necessary for immediate committee discussion.

7-29. Voting procedures of remote attendance permitted. If any member of a committee is participating remotely pursuant to Joint Rule 2-5, the committee shall, for any motion that does not otherwise require a vote by roll call under this chapter, take a vote by roll call or by unanimous consent.

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 electronically approved 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, Sec. 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.

§ 2-7-10. 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. Index and distribution of journals.
The Legislative Research Council shall prepare and include the journal indexes of the Legislature within ninety days after copy therefor has been furnished. The Legislative Research Council shall provide for the electronic distribution of the daily journals at least two hours before the convening of the Legislature on the next legislative day.

§ 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, 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.

10-4. Journal to reflect remote participation. Each daily journal shall reflect if any member is participating and voting remotely as permitted under Joint Rule 2-5.

CHAPTER 11.
RULES

CONSTITUTIONAL PROVISIONS

Art. III, Sec. 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 such 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. In all cases not covered by these rules, *Mason's Manual of Legislative Procedure* governs the proceedings of the Senate and the House of Representatives.

CHAPTER 12.
VOTING REQUIREMENTS AND PROCEDURE

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. XI, Sec. 13. Vote required to increase certain tax rates or valuations.
The rate of taxation imposed by the state of South Dakota on personal or corporate income or on sales or services, or the allowable levies or the percentage basis for determining valuation as fixed by law for purposes of taxation on real or personal property, shall not be increased unless by consent of the people by exercise of their right of initiative or by two-thirds vote of all the members elect of each branch of the Legislature.

Art. XI, Sec. 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 two-thirds vote of all the members elect of each branch of the Legislature.

Art. XII, Sec. 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, Sec. 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 percent 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; however, no proposed amendment may embrace more than one subject. If more than one amendment is submitted at the same election, each amendment shall be so prepared and distinguished that it can be voted upon separately.

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. However, a member may vote from a remote site if excused from personal attendance under Joint Rule 2-5.

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.

12-7. Voting Standard. Except when otherwise provided under the South Dakota Constitution, these joint rules, Senate rules, House rules, or South Dakota codified law, vote requirements for all motions shall be based on the majority of the members present and voting.

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. If any bill or resolution receives no opposition testimony in its final form and an affirmative "Do Pass" vote of all members present of the committee reporting the bill or resolution to its respective house, the committee chair may certify the bill or resolution as uncontested. Any bill or resolution so certified shall be placed on the consent calendar by the secretary of the Senate or the chief clerk of the House of Representatives. If any member objects 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 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, Sec. 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, Sec. 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 approved by the secretary or chief clerk, respectively, and transmitted 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

Legislative Deadlines	
Legislative Action	**40 Day Session**
A. Last day for unlimited introduction of individual bills and joint resolutions[1]	12th Day
B. Last day for introduction of individual bills and joint resolutions[1]	15th Day
C. Last day for introduction of committee bills and joint resolutions[1]	16th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27th Day
E. Last day to move required delivery of bills or joint resolutions by a committee to the house of origin	28th Day
F. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions	29th Day
G. Last day for introduction of commemorations	33rd Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34th Day on
I. Last day to move required delivery of bills or joint resolutions by a committee to the second house	35th Day
J. Last day for a bill or joint resolution to pass both houses	36th Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40th Day
[1] 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, any bill that amends a prior year's general appropriations bill, or 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 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 16th day but prior to the 34th 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 34th day by the same number of days by which the length of the adopted calendar is less than forty (40) days.