

# *JOURNAL OF THE HOUSE*

## *NINETY-EIGHTH SESSION*

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ELEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 25, 2023

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by House pages Savannah Hendricks and Skye Kotalik.

Roll Call: All members present except Rep. Mulally who was absent.

### **APPROVAL OF THE JOURNAL**

Mr. Speaker:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 10th day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Hugh M. Bartels, Chair

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**REPORTS OF STANDING COMMITTEES**

2 Mr. Speaker:

3 The Committee on House Commerce and Energy respectfully reports that it has had under  
4 consideration **HB 1091** and returns the same with the recommendation that said bill be amended  
5 as follows:

6 1091A

7 On page 2, line 32, of the Introduced bill, delete "advise" and insert "educate"

8 On page 2, line 33, of the Introduced bill, after "available" delete ", provided that a written  
9 recommendation is subsequently provided by the producer"

10 And that as so amended, **HB 1091** do pass, and having been certified as uncontested, be  
11 placed on the consent calendar.

12 Also Mr. Speaker:

13 The Committee on House Commerce and Energy respectfully reports that it has had under  
14 consideration **HB 1101** and returns the same with the recommendation that said bill do pass.

15 Respectfully submitted,  
16 Mike Weisgram, Chair

17 Mr. Speaker:

18 The Committee on House State Affairs respectfully reports that it has had under consideration  
19 **HCR 6004** and returns the same with the recommendation that said resolution be amended as  
20 follows:

21 HCR6004A

22 On page 2, line 7, of the Introduced resolution, after "Legislature " insert "is encouraged to "

23 On page 2, line 10, of the Introduced resolution, after "committee" insert ", if established,"

24 And that as so amended, **HCR 6004** be adopted.

25 Also Mr. Speaker:

26 The Committee on House State Affairs respectfully reports that it has had under consideration  
27 **HCR 6006, and HJR 5003** which were deferred to the 41st Legislative Day.

28 Respectfully submitted,  
29 Will Mortenson, Chair

30 Mr. Speaker:

31 The Committee on House Judiciary respectfully reports that it has had under consideration  
32 **HB 1041** and returns the same with the recommendation that said bill do pass.

1 Also Mr. Speaker:

2 The Committee on House Judiciary respectfully reports that it has had under consideration  
3 **HB 1097** which was tabled.

4 Respectfully submitted,  
5 Jon Hansen, Chair

6 **MESSAGES FROM THE SENATE**

7 Mr. Speaker:

8 I have the honor to transmit herewith **SB 46, 56, and 58** which have passed the Senate and  
9 your favorable consideration is respectfully requested.

10 Respectfully,  
11 Kay Johnson, Secretary

12 **MOTIONS AND RESOLUTIONS**

13 **HCR 6009:** A CONCURRENT RESOLUTION, Encouraging the Executive Board of the Legislature  
14 to establish a taskforce to address the standardization of outdoor emergency warning system  
15 activation policies.

16 Introduced by: **Representative** Sue Peterson

17 Was read the first time and referred to the Committee on State Affairs.

18 Rep. Mortenson moved that **HB 1045** be referred to the Joint Committee on Appropriations.

19 Which motion prevailed.

20 Rep. Mortenson moved that **HB 1087** be deferred to Monday, January 30, 2023, the 13<sup>th</sup>  
21 legislative day.

22 Which motion prevailed.

23 Rep. Mortenson moved that **HB 1120** be referred from the Committee on Commerce and  
24 Energy to the Committee on Transportation.

25 Which motion prevailed.

26 Rep. Mortenson moved that **HB 1043** be referred from the House Committee on  
27 Appropriations to the Committee on Taxation.

28 Which motion prevailed.

1 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
2 Thursday, January 26, 2023, the 12<sup>th</sup> legislative day.

3 Which motion prevailed.

#### 4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Rep. Mortenson moved that the reports of the Standing Committees on

6 Transportation on **HB 1042** as found on page 94 of the House Journal; also

7 Local Government on **HB 1060** as found on page 92 of the House Journal; also

8 Taxation on **HB 1072** as found on page 91 of the House Journal; and

9 Agriculture and Natural Resources on **HB 1090** as found on page 90 of the House Journal be  
10 adopted.

11 Which motion prevailed and the reports were adopted.

#### 12 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

13 The Speaker declared that **HB 1102** was withdrawn at the request of the prime sponsor  
14 pursuant to JR 6B-1.1.

15 **HB 1121:** FOR AN ACT ENTITLED, An Act to expand the definition of a pesticide dealer.

16 Introduced by: **Representative** Drew Peterson

17 **HB 1134:** FOR AN ACT ENTITLED, An Act to require property owner consent before  
18 construction resulting in lake water level alteration.

19 Introduced by: **Representative** Shorma

20 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

21 **HB 1135:** FOR AN ACT ENTITLED, An Act to provide for transparency in the pricing of  
22 prescription drugs.

23 Introduced by: **Representative** Weisgram

24 Was read the first time and referred to the Committee on Commerce and Energy.

25 **HB 1138:** FOR AN ACT ENTITLED, An Act to require updated cost report information for certain  
26 community-based health and human services providers.

27 Introduced by: **Representative** Karr

28 Was read the first time and referred to the House Committee on Appropriations.

1 **HB 1122:** FOR AN ACT ENTITLED, An Act to authorize the participation of tenth grade students  
2 in the dual credit program.

3 Introduced by: **Representative** Nelson

4 **HB 1139:** FOR AN ACT ENTITLED, An Act to codify the fundamental right of a parent.

5 Introduced by: **Representative** Sue Peterson

6 Were read the first time and referred to the Committee on Education.

7 **HB 1129:** FOR AN ACT ENTITLED, An Act to modify and establish provisions related to medical  
8 cannabis.

9 Introduced by: **Representative** Deutsch

10 **HB 1132:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the duties of the  
11 medical marijuana oversight committee.

12 Introduced by: **Representative** Deutsch

13 Were read the first time and referred to the Committee on Health and Human Services.

14 **HB 1131:** FOR AN ACT ENTITLED, An Act to prevent the imposition or enforcement of extreme  
15 risk protection orders and to provide a penalty therefor.

16 Introduced by: **Representative** Aylward

17 Was read the first time and referred to the Committee on Judiciary.

18 **HB 1123:** FOR AN ACT ENTITLED, An Act to authorize school boards to modify the length of  
19 terms for members to allow for holding joint elections.

20 Introduced by: **Representative** Jamison

21 **HB 1127:** FOR AN ACT ENTITLED, An Act to make an appropriation to support volunteer fire  
22 departments.

23 Introduced by: **Representative** Kevin Jensen

24 Were read the first time and referred to the Committee on Local Government.

25 **HB 1130:** FOR AN ACT ENTITLED, An Act to require an official declaration of war or other  
26 Congressional action before the South Dakota National Guard may be deployed outside of the state.

27 Introduced by: **Representative** Aylward

28 Was read the first time and referred to the Committee on Military and Veterans Affairs.

29 **HB 1124:** FOR AN ACT ENTITLED, An Act to modify provisions pertaining to the testing of  
30 automatic tabulating equipment.

31 Introduced by: **Representative** Tordsen

1 **HB 1125:** FOR AN ACT ENTITLED, An Act to expand provisions regarding the protection of  
2 minors from certain exhibitions.

3 Introduced by: **Representative** Odenbach

4 **HB 1128:** FOR AN ACT ENTITLED, An Act to revise provisions pertaining to absentee voting at  
5 nursing facilities, assisted living centers, or hospitals.

6 Introduced by: **Representative** Kevin Jensen

7 **HB 1133:** FOR AN ACT ENTITLED, An Act to provide that a company transporting carbon  
8 dioxide by pipeline is not a common carrier.

9 Introduced by: **Representative** Lems

10 **HB 1136:** FOR AN ACT ENTITLED, An Act to prohibit the condemnation of private land for  
11 certain non-public purposes.

12 Introduced by: **Representative** Sjaarda

13 Were read the first time and referred to the Committee on State Affairs.

14 **HB 1137:** FOR AN ACT ENTITLED, An Act to reduce certain gross receipts tax rates and a use  
15 tax rate, and to repeal a conditional reduction of certain gross receipts tax rates.

16 Introduced by: **Representative** Karr

17 Was read the first time and referred to the Committee on Taxation.

18 **HB 1126:** FOR AN ACT ENTITLED, An Act to revise the fee for a utility to cross a railroad right-  
19 of-way.

20 Introduced by: **Representative** Chase

21 Was read the first time and referred to the Committee on Transportation.

22 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

23 **SB 46:** FOR AN ACT ENTITLED, An Act to enhance the penalty for petition circulation perjury.

24 Was read the first time and referred to the Committee on Judiciary.

25 **SB 56:** FOR AN ACT ENTITLED, An Act to revise requirements to relocate a county seat.

26 Was read the first time and referred to the Committee on Local Government.

27 **SB 58:** FOR AN ACT ENTITLED, An Act to clarify that the special amusement excise tax applies  
28 to the sale of amusement devices.

29 Was read the first time and referred to the Committee on Taxation.

1

**SECOND READING OF CONSENT CALENDAR ITEMS**

2  
3

**HB 1038:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the Department of Veterans Affairs and residency in the State Veterans Home.

4  
5

**HB 1088:** FOR AN ACT ENTITLED, An Act to update requirements for an insurance company seeking to do business in this state.

6  
7  
8

**HCR 6002:** A CONCURRENT RESOLUTION, To encourage the Executive Board of the Legislature to continue researching childhood mental health and mental health services available to children in this state.

9  
10  
11

**SB 26:** FOR AN ACT ENTITLED, An Act to transfer a property tax relief program, to change income requirements for certain property tax relief programs, and to index certain income schedules to inflation.

12  
13

**SB 29:** FOR AN ACT ENTITLED, An Act to revise certain references to the Internal Revenue Code.

14

Were read the second time.

15  
16

The question being "Shall **HB 1088** pass as amended, and **HB 1038, and SB 26 and 29** pass, and **HCR 6002** be adopted?"

17

And the roll being called:

18

Yeas 69, Nays 0, Excused 0, Absent 1

19  
20  
21  
22  
23  
24  
25

Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Kevin Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson, Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

26

Absent: Mulally

27  
28

So the bills and resolution having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed, the resolution adopted, and the titles were agreed to.

29

**SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

30  
31

**HB 1053:** FOR AN ACT ENTITLED, An Act to prohibit the issuance of a written certification to a pregnant woman or breastfeeding mother for purposes of medical cannabis use.

32

Was read the second time.

33

Rep. Deutsch moved that **HB 1053** be amended as follows:

34

1053B

35  
36

On page 4, line 28, of the Introduced bill, after "person" delete ", other than a woman who is pregnant or breastfeeding,"

37

On page 5, after line 16, of the Introduced bill, insert: "

1 **Section 2. That chapter 34-20G be amended with a NEW SECTION:**

2 Nothing in this chapter authorizes a practitioner to provide a written certification to a patient  
 3 who is pregnant or breastfeeding. "

4 Which motion prevailed.

5 The question being "Shall **HB 1053** pass as amended?"

6 And the roll being called:

7 Yeas 61, Nays 8, Excused 0, Absent 1

8 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,  
 9 Derby, Deutsch, Donnell, Drury, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Kevin  
 10 Jensen, Phil Jensen, Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie, May, Mills,  
 11 Moore, Mortenson, Mulder, Odenbach, Ernie Otten, Overweg, Perry, Drew Peterson, Sue Peterson,  
 12 Pinnow, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda,  
 13 Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and  
 14 Speaker Bartels

15 Nays: Duba, Emery, Healy, Lesmeister, Nelson, Olson, Pourier, and Wittman

16 Absent: Mulally

17 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
 18 declared the bill passed and the title was agreed to.

19 **HB 1058:** FOR AN ACT ENTITLED, An Act to revise the water resources projects list.

20 Was read the second time.

21 The question being "Shall **HB 1058** pass?"

22 And the roll being called:

23 Yeas 45, Nays 24, Excused 0, Absent 1

24 Yeas: Auch, Aylward, Bahmuller, Blare, Chaffee, Derby, Deutsch, Emery, Fitzgerald, Gross,  
 25 Hansen, Healy, Jamison, Kevin Jensen, Phil Jensen, Karr, Koth, Krohmer, Krull, Kull, Ladner, Lems,  
 26 Lesmeister, Massie, May, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach, Olson, Overweg, Sue  
 27 Peterson, Pinnow, Pourier, Randolph, Reimer, Sauder, Schaeftbauer, Schneider, Sjaarda, Soye,  
 28 Venhuizen, and Wittman

29 Nays: Arlint, Callies, Cammack, Chase, DeGroot, Donnell, Drury, Duba, Duffy, Heermann,  
 30 Kassin, Ernie Otten, Perry, Drew Peterson, Rehfeldt, Reisch, Shorma, St. John, Stevens, Teunissen,  
 31 Tordsen, Wangsness, Weisgram, and Speaker Bartels

32 Absent: Mulally

33 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
 34 declared the bill passed and the title was agreed to.

35 **HB 1037:** FOR AN ACT ENTITLED, An Act to amend the eligibility for admission to the state  
 36 veterans' home and repeal the residency requirement.

37 Was read the second time.



1 Rep. Pourier moved that **HB 1037** be amended as follows:

2 1037A

3 On page 1, line 17, of the Introduced bill, after "state" insert " or in a federally recognized  
4 Tribe in this state"

5 Which motion prevailed.

6 The question being "Shall **HB 1037** pass as amended?"

7 And the roll being called:

8 Yeas 47, Nays 22, Excused 0, Absent 1

9 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,  
10 Deutsch, Donnell, Drury, Emery, Fitzgerald, Gross, Heermann, Jamison, Kassin, Koth, Kull, Massie,  
11 Mills, Moore, Mortenson, Nelson, Odenbach, Olson, Perry, Drew Peterson, Sue Peterson, Pinnow,  
12 Pourier, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, St. John, Stevens,  
13 Tordsen, Venhuizen, Wangsness, Weisgram, and Speaker Bartels

14 Nays: Aylward, Duba, Duffy, Hansen, Healy, Kevin Jensen, Phil Jensen, Karr, Krohmer, Krull,  
15 Ladner, Lems, Lesmeister, May, Mulder, Ernie Otten, Overweg, Randolph, Sjaarda, Soye, Teunissen,  
16 and Wittman

17 Absent: Mulally

18 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
19 declared the bill passed and the title was agreed to.

## 20 **SIGNING OF BILLS**

21 The Speaker publicly read the title to

22 **SB 2:** FOR AN ACT ENTITLED, An Act to revise Department of Corrections reporting  
23 requirements concerning abuse and neglect of individuals in private contracted facilities.

24 **SB 41:** FOR AN ACT ENTITLED, An Act to establish a program for housing infrastructure loans  
25 and grants, make an appropriation therefor, and to declare an emergency.

26 And signed the same in the presence of the House.

27 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:04 p.m.  
28 the House adjourned.

29 Patricia Miller, Chief Clerk

1 The following are the Senate Rules, the House Rules, and the Joint Rules of the  
 2 Ninety-eighth Legislative Session:

3 **SENATE RULES**

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5 CHAPTER 1. PRESIDING OFFICER  
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13 **CHAPTER 1.**

14 **PRESIDING OFFICER**

15 **CONSTITUTIONAL PROVISIONS**

16 ***Art. IV, Sec. 5. Powers and duties of lieutenant governor.***

17 *The lieutenant governor shall be president of the senate but shall have no vote unless the*  
 18 *senators be equally divided. The lieutenant governor shall perform the duties and exercise the*  
 19 *powers that may be delegated to him by the Governor.*

20 **RULES**

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

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

30 **CHAPTER 2.**

31 **FLOOR PRIVILEGES, SEATING, AND MEETINGS**

32 **S2-1. Repealed.**

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

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

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

**S2-5. Time allowed for a member to speak.** No member may speak for longer than ten minutes on a pending subject. However, a member may speak an additional ten minutes if the time is yielded by another member of the body. Each member may speak on the pending subject before any member speaks twice. No member may speak more than twice on the same subject without the consent of a majority of the members present.

**S2-6. Repealed.**

**CHAPTER 3.**

**OFFICERS AND EMPLOYEES**

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

**CHAPTER 4.**

**COMMITTEES**

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

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

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

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

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

**S4-4. Repealed.**

**CHAPTER 5.**

**RULES**

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

1 or amend a rule of the Senate shall be decided by a two-thirds majority of the members-elect,  
2 subject to debate.

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

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

## 8 CHAPTER 6.

### 9 CONSENT CALENDAR

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

14 **S6-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-  
15 4, after allowing a reasonable time for questions from the floor on the bills and resolutions on the  
16 consent calendar and after permitting the proponents to answer the questions, the president of the  
17 Senate shall call for a vote on the consent calendar. Approval of the consent calendar by a majority  
18 of the members-elect of the Senate is considered final disposition of all the bills and resolutions on  
19 the consent calendar.

## 20 CHAPTER 7.

### 21 NOMINATIONS FROM THE GOVERNOR

22 **S7-1. Confirmation procedure.** Nominations from the Governor shall be referred to a  
23 standing or select committee. A committee receiving such a referral shall conduct hearings on the  
24 fitness and qualifications of the nominee to serve in the post for which the nominee has been  
25 nominated. After the hearings and subsequent deliberations, the committee shall report to the full  
26 Senate its recommendation that the nomination should or should not receive the consent of the  
27 Senate. Following the committee report, action on the confirmation shall be set for a day certain  
28 on the legislative calendar. In committee and on the floor, consideration of the Governor's  
29 appointments that require Senate confirmation shall take place in open session unless otherwise  
30 ordered by a majority of the body present.

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

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

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

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

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

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

3 **CHAPTER 8.**

4 **DISCIPLINE AND EXPULSION OF MEMBERS**

5 **S8-1. Select Committee on Discipline and Expulsion.** Any two Senators may by written  
6 motion first delivered to the president pro tempore move for the establishment of a Select  
7 Committee on Discipline and Expulsion to investigate the conduct of any other Senator. Upon being  
8 seconded, the motion is debatable, and passage of the motion requires a majority vote of the  
9 members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine  
10 members of the Senate. The chair and vice chair of the select committee shall be chosen by the  
11 president pro tempore and may not both be members of the same political party. The other seven  
12 members of the select committee shall be chosen by the president pro tempore in consultation with  
13 the majority leader and the minority leader. The party makeup of the select committee shall be  
14 proportional to the party makeup of the Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **HOUSE RULES**

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36 **CHAPTER 1.**

37 **PRESIDING OFFICER**

38 **STATUTORY PROVISIONS**

39 **§ 2-5-3. Elective officers of house.**

40 *The elective officers of the House of Representatives shall be a speaker and a speaker pro*  
41 *tempore, who shall be members of that body, one chief clerk and such other officers as shall be*  
42 *necessary to properly conduct the business of the House of Representatives.*

43 **§ 2-5-3.1. Tie vote for organizing House of Representatives.**

44 *In the event that there is a tie vote for purposes of organizing the House of Representatives*  
45 *then, for the purposes of organization, the political party's candidate for speaker of the house,*

1 *speaker pro tempore and clerk, then having a member of its party duly elected as the Governor of*  
2 *the State of South Dakota shall be deemed to be elected.*

3

## RULES

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

9 **H1-1.1. Organization of the House.** After the election of officers, the speaker may direct  
10 the electronic voting system will be used for questions pertaining to the organization of the House  
11 of Representatives.

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

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

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

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

27

## CHAPTER 2.

28

## DEBATE

29 **H2-1. Time allowed for a member to speak.**

30 (1) The first time a member speaks on a pending subject, the member may speak for five  
31 minutes.

32 (a) The member may continue to speak for an additional five minutes on the same subject,  
33 if another member yields his or her time to speak.

34 (b) If the member wishes to continue to speak on the same subject longer than the time  
35 allowed under (1)(a), the member shall seek the consent of the majority of the members present  
36 and upon receiving such consent, the member may speak up to an additional ten minutes.

37 (2) Any of the time to speak not used by a member in any five-minute period is forfeited by  
38 the member.

39 (3) Each member may speak on the pending subject before any member speaks twice.

40 (4) If a member speaks for a second time on the pending subject, the member may speak for  
41 an additional five minutes.

42 (5) No member may speak more than twice on the same subject, without the consent of a  
43 majority of the members present.

1 Notwithstanding any of the limitations of this rule, when the debate on a bill or resolution  
2 appears to be closed, the prime sponsor of the bill or resolution may speak for an additional five  
3 minutes, unless a motion to call the previous question on final disposition of the bill or resolution  
4 has prevailed.

5 The time consumed by a member asking a question and the time consumed by the response  
6 shall be subtracted from the questioning member's time to speak. The time to speak remaining after  
7 the question and the response is not forfeited by the member who asked the question.

### 8 CHAPTER 3.

### 9 COMMITTEES

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

- 14 1. Agriculture and Natural Resources (13)
- 15 2. Appropriations (9)
- 16 3. Commerce and Energy (13)
- 17 4. Education (15)
- 18 5. Government Operations and Audit (5)
- 19 6. Health and Human Services (13)
- 20 7. Judiciary (13)
- 21 8. Legislative Procedure (7)
- 22 9. Local Government (13)
- 23 10. Military and Veterans Affairs (13)
- 24 11. Retirement Laws (5)
- 25 12. State Affairs (13)
- 26 13. Taxation (13)
- 27 14. Transportation (13)

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

31 **H3-2. Introductory remarks before motions.** No member making a motion in a committee  
32 pursuant to Joint Rules Chapter 7 may make introductory remarks prior to making a motion.

### 33 CHAPTER 4.

### 34 RULES

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

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

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



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**CHAPTER 5.****VOTING PROCEDURE**

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

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

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

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

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

When, in the judgment of the presiding officer, reasonable time has been allowed all members present in the House to vote, the presiding officer shall ask the question: "Have all members present voted?" After a pause, the presiding officer shall direct the chief clerk to record those members who are "Absent" or "Excused" and to lock the voting system after late votes, if any, are recorded, and to display and record the individual and total votes. The presiding officer shall then announce the vote. The chief clerk shall enter upon the journal the result in the manner provided by the joint rules of the Legislature.

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

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

**H5-8. Members to vote electronically from their desks, exceptions.** A member may vote on the electronic voting system only when at the member's desk. However, the presiding officer may authorize the chief clerk to call the names of members who are on the floor but not at their desks at the time of a vote or who are participating remotely as permitted under Joint Rule 2-5 at the time of the vote and to record the votes of such members on the electronic voting system. If a member other than the speaker of the House is presiding, the chief clerk shall switch the voting system to allow the designated member presiding to vote in the presiding officer's station.

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

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

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

12 **H5-12. Repealed.**

## 13 CHAPTER 6.

### 14 DISCIPLINE AND EXPULSION OF MEMBERS

15 **H6-1. Select Committee on Discipline and Expulsion.** Any two Representatives may by  
16 written motion first delivered to the speaker move for the establishment of a Select Committee on  
17 Discipline and Expulsion to investigate the conduct of any other Representative. Upon being  
18 seconded, the motion is debatable, and passage of the motion requires a majority vote of the  
19 members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine  
20 members of the House of Representatives. The chair and vice chair of the select committee shall be  
21 chosen by the speaker of the House and may not both be members of the same political party. The  
22 other seven members of the select committee shall be chosen by the speaker of the House in  
23 consultation with the majority leader and the minority leader. No more than five members may be  
24 of the same political party.

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

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

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

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

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

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

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

- 1 (2) Invite the member who is the subject of the hearing to attend all meetings of the  
2 committee in person and to be accompanied by legal counsel, or to be represented at  
3 the hearings by legal counsel of the member's choice and at the member's own  
4 expense;
- 5 (3) Afford the member full opportunity to present the member's position, to present  
6 witnesses in support of the member's position, and extend the opportunity to confront  
7 and to question witnesses called by the committee;
- 8 (4) Advise the member immediately of the date and time of each meeting, in cases where  
9 the committee adjourns prior to completing its work and submitting its report to the  
10 House of Representatives.

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

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

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

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

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

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

39 **CHAPTER 7.**

40 **CONSENT CALENDAR**

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

45 **H7-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-  
46 4, after allowing a reasonable time for questions from the floor on the bills and resolutions on the  
47 consent calendar and after permitting the proponents to answer the questions, the speaker of the  
48 House shall call for a vote on the consent calendar. Approval of the consent calendar by a majority

1 of the members-elect of the House is considered final disposition of all the bills and resolutions on  
 2 the consent calendar.

3 **JOINT RULES**

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34 **CHAPTER 1.**

35 **PRESIDING OFFICER - ORDER AND DEBATE**

36 **CONSTITUTIONAL PROVISIONS**

37 ***Art. III, Sec. 19. Signing of bills and resolutions.***

38 *The presiding officer of each house shall, in the presence of the house over which he presides,*  
 39 *sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read*  
 40 *immediately before signing, and the fact of signing shall be entered upon the journal.*

41 **STATUTORY PROVISIONS**

42 ***§ 2-4-9. Disturbance or disorderly conduct in Legislature as misdemeanor.***

43 *Every person who intentionally disturbs the Legislature of this state, or either of the branches*  
 44 *composing it, while in session, or who commits any disorderly conduct in the immediate view and*  
 45 *presence of either branch of the Legislature tending to interrupt its proceedings or impair the respect*  
 46 *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

1 question may reflect upon the character or conduct of any official, contain argument or debate, or  
2 inquire about the course a member proposes to follow.

3 **1-7. Call to order.** If a member is called to order, that member shall remain silent until the  
4 presiding officer determines whether the member is in order. The decision of the presiding officer is  
5 subject to a motion of appeal.

6 **1-8. Signing of documents by presiding officer.** The presiding officer of each house shall  
7 sign all concurrent resolutions and commemorations that are approved by the Legislature. The  
8 president pro tempore and the speaker shall sign all writs, warrants, and subpoenas issued by the  
9 house over which the officer presides.

10 **1-9. Those permitted to speak to the body.** No person other than a member of a house  
11 may speak upon any subject before the house unless a member makes a motion to allow another  
12 person to speak and the members present unanimously consent. However, the speaker of the House  
13 and the president pro tempore of the Senate may allow any person other than a member of the  
14 body to speak subject to advance notice to the majority and minority leaders. A motion objecting  
15 to the decision of the presiding officer shall require a majority vote of the members-elect.

16 **1-10. Dissent against an act or resolution.** Any two members of a house may dissent or  
17 protest in respectful language against any act or resolution which they think injurious to the public  
18 or to any individual. The reason for their dissent or protest shall be presented to the house and  
19 entered upon the subsequent legislative day's journal. However, if any member objects prior to  
20 adjournment on the subsequent legislative day that the language of the dissent or protest is not  
21 respectful, and a majority of the house agrees, the house may refer the dissent or protest back to  
22 the dissenting or protesting members for emendation. Members submitting a dissenting report shall  
23 be given one opportunity for emendation, which shall be completed within one week of the request  
24 for emendation.

25 **1-11. Repealed.**

## 26 CHAPTER 1A.

### 27 DECORUM

28 **1A-1. Preservation of decorum.** The presiding officer of each house shall preserve order  
29 and decorum and, in the case of disturbance or disorderly conduct, may order the galleries or lobbies  
30 to be cleared.

31 **1A-2. Smoking prohibited.** Smoking is prohibited in all areas of the Capitol.

32 **1A-3. Alcoholic beverages prohibited.** No alcoholic beverage, beer, wine, or other  
33 beverage containing alcohol may be stored or consumed in any area of the Capitol that is under the  
34 control of the Legislature.

35 **1A-4. Repealed.**

36 **1A-5. Discrimination prohibited.** The Legislature is an equal opportunity employer and  
37 provides equal access to facilities and services without regard to race, color, creed, religion, sex,  
38 disability, ancestry, or national origin.

39 **1A-6. Person with a disability may request assistance.** Individuals requesting assistance  
40 pursuant to the Americans with Disabilities Act must contact the Legislative Research Council at  
41 least forty-eight hours in advance of the needed assistance.

42 **1A-7. Use of chambers for campaign photographs.** Legislators and candidates for the  
43 Legislature may use the chambers for campaign photographs; however, no changes may be made  
44 to the arrangement of either chamber.

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

7 **1A-9. Cellular telephones.** Cellular telephones may not be used in either chamber or gallery  
 8 while the Legislature is in session, except for silent functions that do not distract others.

9 **1A-10. Presiding Officer's power to maintain order.** The presiding officer may have any  
 10 member temporarily removed in order to preserve order and decorum.

11 **1A-11. Repealed.**

12 **CHAPTER 1B.**

13 **LEGISLATIVE CODE OF CONDUCT**

14 **1B-1. Maintenance of ethical standards.** The people of South Dakota require that their  
 15 legislators maintain the highest of moral and ethical standards as such standards are essential to  
 16 assure the trust, respect and confidence of our citizens. Legislators have a solemn responsibility to  
 17 avoid improper behavior and refrain from conduct that is unbecoming to the Legislature or that is  
 18 inconsistent with the Legislature's ability to maintain the respect and trust of the people it serves.  
 19 While it is not possible to write rules to cover every circumstance, each legislator must do everything  
 20 in his or her power to deal honorably with the public and with his or her colleagues and must promote  
 21 an atmosphere in which ethical behavior is readily recognized as a priority and is practiced  
 22 continually, without fail.

23 **1B-2. Compliance with specified requirements.** Each legislator will comply with all  
 24 Constitutional and statutory requirements regarding conflicts of interest. Legislators will timely file  
 25 all required disclosure statements including Statements of Organization, Campaign Finance Reports  
 26 and Statements of Financial Interest. Legislators must also avoid any conflict of interest which would  
 27 interfere with their duties and responsibilities as legislators, interfere with the exercise of their best  
 28 judgment in support of the State of South Dakota or create an improper personal benefit.

29 **1B-3. Professional conduct and civility.** The South Dakota Legislature will strengthen and  
 30 sustain an atmosphere of professional conduct and civility among its members and with all staff and  
 31 will not tolerate harassment or offensive behavior based on race, color, religion, national origin,  
 32 gender, age, or disability. Harassing or offensive behavior may include the use of electronic  
 33 communications through social media or otherwise, whether actual or attempted. Legislators must  
 34 refrain from any and all such harassment or offensive conduct. This prohibition against harassment  
 35 also encompasses sexual harassment including unwelcome sexual advances, requests for sexual  
 36 favors, and other verbal, non-verbal, or physical conduct of a sexually harassing nature, when:  
 37 (1) submission to the harassment is made either explicitly or implicitly a term or condition of  
 38 employment or other employment determinations, or (2) the harassment has the purpose or effect  
 39 of unreasonably interfering with an individual's work performance or creates an intimidating, hostile,  
 40 or offensive working environment.

41 **1B-3.1. Sexual contact prohibited.** No legislator or legislative employee may have sexual  
 42 contact with any legislative intern or page, and no legislative intern may have sexual contact with a  
 43 page.

44 **1B-3.2. Sexual harassment prohibited.** All members are responsible for ensuring that the  
 45 workplace is free from sexual harassment. All members shall avoid any action or conduct that could  
 46 be viewed as sexual harassment. A member shall report any sexual harassment complaint to the  
 47 president pro tempore or the speaker according to which house the member belongs. If the situation  
 48 is not resolved, the member shall forward the complaint to the Executive Board of the Legislative  
 49 Research Council.

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

3 **CHAPTER 2.**

4 **MEETINGS, QUORUMS, AND ATTENDANCE**

5 **CONSTITUTIONAL PROVISIONS**

6 **Art. III, Sec. 7. Convening of annual sessions.**

7 *The Legislature shall meet at the seat of government on the second Tuesday of January at 12*  
8 *o'clock m. and at no other time except as provided by this Constitution.*

9 **Art. III, Sec. 9. Each house as judge of qualifications--Quorum--Rules of**  
10 **proceedings--Officers and employees.**

11 *Each house shall be the judge of the election returns and qualifications of its own members.*

12 *A majority of the members of each house shall constitute a quorum, but a smaller number may*  
13 *adjourn from day-to-day, and may compel the attendance of absent members in such a manner*  
14 *and under such penalty as each house may provide.*

15 *Each house shall determine the rules of its proceedings, shall choose its own officers and*  
16 *employees and fix the pay thereof, except as otherwise provided in this Constitution.*

17 **Art. III, Sec. 14. Elections viva voce.**

18 *In all elections to be made by the Legislature the members thereof shall vote viva voce and*  
19 *their votes shall be entered in the journal.*

20 **Art. III, Sec. 15. Open legislative sessions--Exception.**

21 *The sessions of each house and of the committee of the whole shall be open, unless when the*  
22 *business is such as ought to be kept secret.*

23 **Art. III, Sec. 16. Adjournment of legislative houses.**

24 *Neither house shall without the consent of the other adjourn for more than three days, nor to*  
25 *any other place than that in which the two houses shall be sitting.*

26 **RULES**

27 **2-1. Those permitted on the floor during session.** In addition to current legislators, only  
28 the following persons are entitled to the floor of the House of Representatives or Senate during  
29 sessions: justices of the Supreme Court or persons who are or have been Governor, Lieutenant  
30 Governor, or members of the Congress of the United States from South Dakota; current legislative  
31 employees; news reporters; and former members of the South Dakota Legislature, except those  
32 who are registered lobbyists or those currently serving in any elective state or local office other than  
33 Governor or Lieutenant Governor. However, these persons may not be on the floor if acting in a  
34 manner to influence legislation. No other person may be admitted to the floor without consent of  
35 the presiding officer.

36 **2-2. Call of the house.** One-sixth of the members-elect of either house may compel the  
37 attendance of absent members by ordering a call of the house of which they are members, but a  
38 call of the house may not be made after voting commences.

39 **2-3. Procedure after a call of the house.** When a call of the house is ordered, the doors  
40 shall be closed and the absentees noted. No member may leave the room until permission is given  
41 by the presiding officer, the sergeant at arms' report is received and acted upon, or the house is



1 adjourned. Until the sergeant at arms' report is received, proceedings under the call may not be  
 2 suspended except by two-thirds of the members present.

3 **2-4. Access to chamber and lobbies.** Except as otherwise provided in Joint Rule 2-1, no  
 4 person, except current legislators and legislative employees, may enter either chamber or space  
 5 reserved for members of the Legislature adjacent to either chamber at any time during a session or  
 6 for the period of three hours preceding a session except upon invitation of a member of the chamber.  
 7 However, under no circumstances may a lobbyist enter either chamber or reserved space for a  
 8 period of three hours preceding a session or one hour after adjournment of the chamber.

9 **2-5. Repealed.**

10 **CHAPTER 3.**

11 **LEGISLATIVE EMPLOYEES**

12 **CONSTITUTIONAL PROVISIONS**

13 **Art. III, Sec. 9. Each house as judge of qualifications--Quorum--Rules of**  
 14 **proceedings--Officers and employees.**

15 *Each house shall be the judge of the election returns and qualifications of its own members.*

16 *A majority of the members of each house shall constitute a quorum, but a smaller number may*  
 17 *adjourn from day-to-day, and may compel the attendance of absent members in such a manner*  
 18 *and under such penalty as each house may provide.*

19 *Each house shall determine the rules of its proceedings, shall choose its own officers and*  
 20 *employees and fix the pay thereof, except as otherwise provided in this Constitution.*

21 **STATUTORY PROVISIONS**

22 **§ 2-5-2. Elective officers of Senate.**

23 *The elective officers of the Senate shall be a president pro tempore of the Senate, who shall*  
 24 *be a member of that body, one secretary, and such other officers as shall be necessary to properly*  
 25 *conduct the business of the Senate.*

26 **§ 2-5-3. Elective officers of house.**

27 *The elective officers of the House of Representatives shall be a speaker and a speaker pro*  
 28 *tempore, who shall be members of that body, one chief clerk and such other officers as shall be*  
 29 *necessary to properly conduct the business of the House of Representatives.*

30 **§ 2-5-3.1. Tie vote for organizing House of Representatives.**

31 *In the event that there is a tie vote for purposes of organizing the House of Representatives*  
 32 *then, for the purposes of organization, the political party's candidate for speaker of the house,*  
 33 *speaker pro tempore and clerk, then having a member of its party duly elected as the Governor of*  
 34 *the State of South Dakota shall be deemed to be elected.*

35 **§ 2-5-5. Appointment of legislative employees by presiding officers.**

36 *The speaker of the House of Representatives shall appoint employees necessary to properly*  
 37 *conduct the business of the house and the president pro tempore of the Senate shall appoint*  
 38 *employees necessary to properly conduct the business of the Senate.*

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**§ 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

1 (4) To correct clerical errors, with the consent of the code counsel, in any bill. Clerical errors  
 2 which may be corrected are: errors in spelling, errors in numbering sections, errors of  
 3 omission or commission due to addition or deletion of material, and errors due to copying  
 4 incorrectly from the most recent statute. The code counsel shall inform the principal  
 5 sponsor of each correction.

6 **3-5. Chaplains.** The chief chaplain shall schedule a chaplain to serve in each house for each  
 7 legislative day. The duty of the chaplain of each house is to open each day's session with a prayer.

8 **3-6. Disputes or complaints involving a legislative session employee.** Any dispute or  
 9 complaint involving the competency or decorum of a legislative session employee, including any  
 10 violation of SDCL 2-12, shall be referred to the president pro tempore of the Senate or the speaker  
 11 of the House. The officer may dismiss, suspend, or otherwise discipline the employee.

12 **3-7. Sexual harassment prohibited.** All employees are responsible for ensuring that the  
 13 workplace is free from sexual harassment. All employees shall avoid any action or conduct which  
 14 could be viewed as sexual harassment. An employee shall report any sexual harassment complaint  
 15 within one year of its occurrence. Such complaints may be reported to:

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

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

26 **CHAPTER 4.**

27 **ORDER OF BUSINESS**

28 **4-1. Daily order of business.** After call to order, the daily order of business shall be as  
 29 follows:

- 30 (1) Prayer by the chaplain and pledge of allegiance;
- 31 (2) Roll call and determination of a quorum;
- 32 (3) Approval of the journal;
- 33 (4) Communications and petitions;
- 34 (5) Reports of standing committees;
- 35 (6) Reports of select committees;
- 36 (7) Messages from the other house;
- 37 (8) Motions and resolutions;
- 38 (9) Consideration of committee reports;
- 39 (10) Introduction, first reading and reference of bills and joint resolutions originating in  
 40 the house;
- 41 (11) First reading and reference of bills and joint resolutions originating in the other  
 42 house;
- 43 (12) Second reading of consent calendar bills and resolutions;
- 44 (13) Second reading of bills and joint resolutions originating in the house;
- 45 (14) Second reading of bills and joint resolutions originating in the other house;
- 46 (15) Announcements.

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

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

6 **4-3. Order of bills and resolutions.** Each bill and resolution up for consideration under any  
7 order of business shall be listed and taken up in the order in which it is listed on the daily calendar  
8 unless otherwise ordered by a majority of the members present.

## 9 CHAPTER 5.

### 10 MOTIONS

11 **5-1. Entertainment of motions.** No motion may be entertained and debated until it is  
12 seconded. Following the second of a debatable motion, the presiding officer shall first recognize the  
13 member making the motion.

14 **5-1.1. Amendments proposing penalties.** Any attempt to offer an amendment, whether  
15 in committee or on the floor, that requires a prison or jail population cost estimate shall be ruled  
16 out of order unless offered with a preexisting prison or jail population cost estimate.

17 **5-2. Restatement and reading of motions.** When a motion is made and seconded, it shall  
18 be restated by the presiding officer, and, if requested by the presiding officer or a member, shall be  
19 displayed electronically or reduced to writing and read aloud.

20 **5-2.1. Provision of copies of motions.** If a motion to amend is displayed electronically or  
21 offered in writing or if each member of the body has been given a copy of the motion, the reading  
22 of that motion is automatically waived.

23 **5-2.2. Withdrawal of motions.** After a motion is stated by the presiding officer, it may not  
24 be withdrawn without unanimous consent of the members present.

25 **5-3. Priority of motions.** When a question is under debate, no motion may be made except  
26 the following motions which have precedence in the order listed:

- 27 (1) To adjourn; (nondebatable)
- 28 (2) To recess;
- 29 (3) To call the house;
- 30 (4) To lay on the table; (nondebatable)
- 31 (5) To call the previous question; (nondebatable)
- 32 (6) To defer indefinitely;
- 33 (7) To defer to a day certain;
- 34 (8) To refer to committee;
- 35 (9) To amend.

36 **5-4. Priority of motion for adjournment.** A motion for adjournment is always in order,  
37 unless the roll is being called or the previous question has been ordered, and shall be decided  
38 without debate.

39 **5-5. Application and nondebatability of motions to lay on the table.** A motion to lay on  
40 the table which effects a disposition on the merits of any bill or resolution requires the vote of a  
41 majority of the members-elect to carry and shall be decided without debate. Any other motion to  
42 lay on the table requires the vote of a majority of the members present and shall be decided without  
43 debate. No member may make introductory remarks prior to making a motion to lay on the table.

44 **5-5.1. Scope of motions to lay on the table.** A motion to lay on the table may be made so  
45 as to apply either to the main question or to a proposed amendment or to the bill and all pending  
46 amendments, and the motion shall clearly state to which it is intended to apply.

1 **5-5.2. Motion to take from the table.** Whenever any bill or resolution is laid on the table,  
2 it requires a majority vote of the members-elect to take it from the table. The motion to take from  
3 the table is debatable.

4 **5-5.3. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to  
5 motions to table and to defer to a day certain beyond sine die shall be the same except that a motion  
6 to defer to a day certain beyond sine die is debatable.

7 **5-6. Motion to call the previous question.** A motion for the previous question shall be  
8 decided immediately by a majority of the members present and without debate. The motion shall  
9 clearly indicate the question to which it applies. No member may make introductory remarks prior  
10 to making a motion to call the previous question. The effect of adopting a motion to call the previous  
11 question is to close debate, to prevent the moving of amendments or other subsidiary motions, and  
12 to bring to vote immediately the question to be voted upon. The effect of defeating a motion to call  
13 the previous question is to allow continuation of debate on the question before the house.

14 **5-7. Priority of vote after call of the previous question.** After a motion to call the previous  
15 question has prevailed, it is not in order to move a call of the house or to move to adjourn, prior to  
16 a decision of the question before the house.

17 **5-8. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer  
18 indefinitely or to refer to committee is decided in the negative, such motion is not again in order at  
19 the same stage of consideration of the bill or proposition.

20 **5-8.1. Motion to defer indefinitely or to the 41st day as final action.** A motion to defer  
21 indefinitely or to the 41st day requires the vote of a majority of the members-elect.

22 **5-9. Division of the question.** Any member may call for a division of the question. The  
23 presiding officer shall divide the question if it contains questions so distinct that, one being taken  
24 away, the rest may stand as a separate proposition. A member may not call for the division of a bill.

25 **5-10. Motions to strike the enacting clause.** A motion to strike the enacting clause of a  
26 bill has precedence to a motion to amend, and if carried, is equivalent to the rejection of the bill.

27 **5-11. Notice of intention to reconsider.** Notice of intention to move for reconsideration  
28 shall be made before the body proceeds to the next item of business. If any member fails to give  
29 notice of intention to reconsider, the vote on a question shall be deemed to have been moved for  
30 reconsideration and such motion for reconsideration to have been laid on the table.

31 **5-11.1. Motions to reconsider.** Having given notice of intent to reconsider, the member  
32 giving notice may move to reconsider the question not later than the next legislative day, except as  
33 provided in Joint Rule 5-13. Any motion to reconsider shall be made under order of business No. 8,  
34 except as provided in Joint Rule 5-13, and takes precedence over all other motions except to recess  
35 or to adjourn. No motion to reconsider the same question may be made twice in the same house  
36 without unanimous consent. Every motion to reconsider shall be decided by a majority vote of the  
37 members-elect on a roll call vote. No question may be reconsidered except the final disposition of  
38 bills and joint resolutions and the override of vetoes. No motion to lay on the table is subject to  
39 reconsideration. If a motion to reconsider a question is approved, the question shall be immediately  
40 reconsidered unless there is a motion to defer.

41 **5-12. Failure to make timely motion for reconsideration.** If any member has given notice  
42 of intent to move for reconsideration and does not move for reconsideration before the stated  
43 deadline, the presiding officer shall immediately state that any member may move for  
44 reconsideration.

45 **5-13. Motion for reconsideration during final legislative days.** During the seven final  
46 legislative days, any member who has given notice of intent to move for reconsideration shall make  
47 such motion at a time prior to the conclusion of business on the legislative day that the question  
48 sought to be reconsidered was acted upon. Such motion may be made at any time prior to  
49 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 the next legislative day, 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. 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*

1 *published by the printer of the statutes, in language different from that in which it was passed by*  
2 *the Legislature, is guilty of a Class 6 felony.*

3

## RULES

4 **6A-1. Legislative Documents.** Only bills and the following may be introduced in the  
5 Legislature:

6 (1) A House or Senate resolution pertains to the affairs of one house only and requires action  
7 only by the legislative chamber concerned. A House or Senate resolution may be used to express  
8 an opinion or principle of one house, to express an opinion to or make a request of the other house,  
9 to regulate procedure, or to refer a topic to the Executive Board of the Legislative Research Council  
10 for possible study by an interim study committee;

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

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

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

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

22 **6A-2. Format of bills and joint resolutions.** If a bill amends an existing statute, the new  
23 matter shall be underscored and the omitted matter shall be overstricken. If an entire title, chapter,  
24 or section is to be repealed, only the code citation need be listed.

25 **6A-3. Format of joint resolutions.** If a joint resolution amends an existing provision of the  
26 Constitution, the omitted matter shall be overstricken and the new matter shall be underscored. A  
27 joint resolution shall contain sufficient introductory wording to give reasonable notice of the effect  
28 of the proposed amendment.

29 **6A-4. Bills at the request of the Governor, executive agencies, and the Chief Justice.**  
30 A bill introduced at the request of the Governor, Chief Justice of the Supreme Court, a department,  
31 board, commission, or any other agency of state government, shall indicate on the bill at whose  
32 request such bill is being introduced.

33 **6A-5. Review of bills by the Legislative Research Council.** Before a bill, resolution, or  
34 commemoration may be introduced, it shall be reviewed by the Legislative Research Council for  
35 style and form. No bill, House resolution, Senate resolution, concurrent resolution, or joint resolution  
36 may be submitted to the Legislative Research Council for review less than one legislative day prior  
37 to the final introduction date for bills, House resolutions, Senate resolutions, concurrent resolutions,  
38 or joint resolutions as provided in Joint Rule Chapter 17. The draft must be submitted by 5 p.m. in  
39 order to allow for an intervening legislative day. However, if a day of legislative recess intervenes  
40 between the submission deadline and the introduction deadline, the requirement of submission is  
41 fulfilled if the submission is made by 5 p.m. on the day before the legislative recess.

42 **6A-6. Title of repealed law.** A bill introduced for the sole purpose of repealing an existing  
43 law shall include in its title the general subject to which the law relates.

44 **6A-7. Placement of emergency clause.** Any bill containing an emergency clause shall have  
45 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.*



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**RULES**

1  
2       **6B-1. Time for introduction of bills and bills are property of Legislature.** Any member  
3 or committee desiring to introduce a bill, or resolution, or any member desiring to introduce a  
4 commemoration shall electronically file the bill, resolution, or commemoration at least two hours  
5 prior to the opening of the daily session. Any bill, resolution, or commemoration filed and duly  
6 numbered becomes the property of the Legislature.

7       **6B-1.1. Withdrawal of bills.** The provisions of 6B-1 and 6D-1 notwithstanding, prior to the  
8 first committee hearing in the house of origin, the prime sponsor of any bill or resolution may  
9 withdraw any bill or resolution in the house of origin with the approval of the presiding officer. The  
10 presiding officer shall then declare the bill or resolution formally withdrawn and shall order that an  
11 entry be made in the bill status so stating.

12       **6B-2. Numbering of bills and resolutions.** Bills shall be numbered consecutively as  
13 introduced, beginning with No. 1 for Senate bills and with No. 1001 for House bills. Joint resolutions  
14 shall be numbered consecutively as introduced, beginning with No. 501 for Senate joint resolutions  
15 and with No. 5001 for House joint resolutions. Concurrent resolutions shall be numbered  
16 consecutively as introduced, beginning with No. 601 for Senate concurrent resolutions and with No.  
17 6001 for House concurrent resolutions. Resolutions shall be numbered consecutively as introduced,  
18 beginning with No. 701 for Senate resolutions and with No. 7001 for House resolutions.

19       **6B-3. Limit on number of bills that may be introduced.** A legislator may introduce as  
20 prime sponsor only three individual bills or joint resolutions during the last three days for bill and  
21 resolution introduction prescribed by Joint Rule Chapter 17. A legislator may introduce as prime  
22 sponsor only four combined House, Senate, or concurrent resolutions, only one of which may be  
23 introduced during the last three days for bill and resolution introduction prescribed by Joint Rule  
24 Chapter 17.

25       **6B-4. Sponsorship of bills and resolutions.** Any bill, joint resolution, or concurrent  
26 resolution may be introduced by any member or members of the house of origin. Any member or  
27 members of the other house may join the member or members of the house of origin in introducing  
28 the bill or resolution. After introduction, a member's name may be electronically added as a  
29 cosponsor or as prime sponsor to a bill or resolution upon the request of the member and the  
30 approval of the prime sponsor of the bill or resolution any time before the enrolling of the bill. After  
31 introduction, a member's name may be removed upon the request of the member any time before  
32 the enrolling of the bill.

33       **6B-5. Committee introduction of bills and resolutions.** No bill or joint resolution may be  
34 introduced in either house of the Legislature by any committee thereof, except:

- 35       (1) A bill or a joint resolution introduced by any standing committee of either house;
- 36       (2) A bill or joint resolution referred to the Legislature from an interim committee of the State  
37       Legislative Research Council;
- 38       (3) A bill or joint resolution introduced at the request of the interim Rules Review Committee,  
39       the interim Government Operations and Audit Committee, the interim Retirement Laws  
40       Committee, the interim Joint Bonding Review Committee, and the interim State-Tribal  
41       Relations Committee by one or more committee members upon majority vote of the interim  
42       committee; or
- 43       (4) A bill or joint resolution introduced at the request of the Governor, an executive agency or  
44       of the chief justice of the Supreme Court.

45       **6B-5.1. Bill introduction by standing committees.** Before a bill or joint resolution can be  
46 introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have received  
47 an affirmative vote of a majority of the members of a standing committee at one of its regular  
48 meetings. The chair of the committee shall electronically file the bill or resolution for the committee.

1 **6B-6. Pre-filing of agency bills.** No bill or resolution introduced at the request of a  
 2 department, board, commission, or any other agency of state government, except bills or resolutions  
 3 introduced at the request of the Governor or Chief Justice, may be considered by the Legislature  
 4 unless such bill or resolution is pre-filed with the Director of the Legislative Research Council at least  
 5 forty-eight hours before the opening of a legislative session and available for introduction on the  
 6 first legislative day. The chairman may approve introduction of the bill electronically.

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

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

12 **CHAPTER 6C.**

13 **PRISON/JAIL COST ESTIMATES, FISCAL NOTES AND ACTUARIAL STATEMENTS**

14 **STATUTORY PROVISIONS**

15 **§ 2-9-33. Prison or jail population--Cost estimate--Requirements.**

16 *A prison or jail population cost estimate shall be electronically attached to any bill or*  
 17 *amendment, except misdemeanor penalties, that may impact the state prison or county jail*  
 18 *population. A prison or jail population cost estimate shall be prepared for a bill or amendment with*  
 19 *a Class 1 misdemeanor penalty only upon a request authorized by the rules of the Legislature. The*  
 20 *requirement for a cost estimate includes each bill or amendment that meets the penalty*  
 21 *requirements of this section and that increases the period of imprisonment authorized for an existing*  
 22 *crime, that adds a new crime for which imprisonment is authorized, that imposes a minimum or*  
 23 *mandatory minimum term of imprisonment, or that modifies any law governing release of a prisoner*  
 24 *from imprisonment or supervision.*

25 *The sponsor of the legislation or amendment shall allow sufficient time to prepare a cost*  
 26 *estimate from the Legislative Research Council. The cost estimate shall be completed for a bill or*  
 27 *amendment before final disposition is taken on the bill or amendment by any standing committee*  
 28 *of the Legislature.*

29 **§ 2-9-34. Contents of cost estimate.**

30 *A cost estimate pursuant to § 2-9-33 shall include:*

- 31 (1) *An analysis of the specific components that will impact the prison and jail population;*
- 32 (2) *The projected cost of the impact on the state prison system and the aggregate cost to*  
 33 *county jails on an annual basis and cost over a ten year period; and*
- 34 (3) *Operational costs and capital costs including all manner of construction.*

35 **RULES**

36 **6C-1. Bills and resolutions that require fiscal notes.** A bill, amendment, or resolution  
 37 that has an effect on the revenues, expenditures, or fiscal liability of the state or any political  
 38 subdivision of the state may include a fiscal note incorporating an estimate of the effect. This rule  
 39 does not apply to the cost of legislative processing, or any appropriation bill with specific dollar  
 40 amounts. A fiscal note is an estimate of the fiscal implications relating to revenues, expenditures or  
 41 debt, and the probable cost of the bill, amendment, or resolution. In preparing the fiscal note, the  
 42 Director of the Legislative Research Council may use information or data supplied by any person,  
 43 agency, organization, or governmental unit that the director deems reliable. The director shall state  
 44 the sources of the information or data used and may state the extent to which the director relied on

1 the information or data in preparing the fiscal note. If the director is unable to acquire or develop  
 2 sufficient information or data to prepare a fiscal note, the director may prepare the fiscal note stating  
 3 that fact, and the fiscal note shall be deemed to comply with this rule. If the director determines  
 4 that the fiscal impact of a bill, amendment, or resolution cannot be determined, the director may  
 5 prepare the fiscal note stating that fact, and the fiscal note shall be deemed to comply with this rule.

6 This rule does not apply to prison or jail population cost estimates required by §§ 2-9-33 and  
 7 2-9-34. However, if the Legislature enacts legislation that would repeal the provisions of §§ 2-9-33  
 8 and 2-9-34 during the Ninety-eighth Session, then starting on the effective date of that legislation,  
 9 this rule applies to fiscal notes pertaining to prison or jail cost estimates.

10 **6C-1.1. Request for fiscal note or prison or jail population cost estimate by any**  
 11 **member.** A fiscal note or prison or jail population cost estimate may be requested by:

- 12 (1) The presiding officer when a bill, amendment, or resolution is introduced;
- 13 (2) The chair of the standing committee possessing the bill, amendment, or resolution;
- 14 (3) A majority vote of the standing committee possessing the bill, amendment, or resolution;
- 15 or
- 16 (4) A legislator, if the legislator is supported by a vote of one-fifth of the body before the  
 17 second reading of the bill or resolution.

18 **6C-1.2. Certain bills require fiscal note.** The Director of the Legislative Research Council  
 19 shall prepare a fiscal note for any bill which amends session law to affect the General Appropriations  
 20 Act enacted in a prior legislative session.

21 **6C-1.3. Prison or jail population cost estimates.** A prison or jail population cost estimate  
 22 may be requested pursuant to Joint Rule 6C-1.1 for any bill or amendment with a Class 1  
 23 misdemeanor penalty that may impact the state prison or county jail population. The cost estimate  
 24 shall be prepared pursuant to §§2-9-33 and 2-9-34. However, if the Legislature enacts legislation  
 25 that would repeal the provisions of §§ 2-9-33 and 2-9-34 during the Ninety-eighth Session, then  
 26 starting on the effective date of that legislation, the cost estimate shall be prepared pursuant to  
 27 Joint Rule 6C-1.

28 **6C-2. Deferral of bills without fiscal note.** The bill or resolution for which a fiscal note has  
 29 been requested shall include a notation of the requirement on the Legislative Research Council  
 30 internet site for the bill or resolution. The completed fiscal note shall be displayed on the Legislative  
 31 Research Council internet site before the bill or resolution may be placed on the second reading  
 32 calendar. However, the presiding officer may place the bill or resolution on the second reading  
 33 calendar if the presiding officer determines a fiscal note is no longer required.

34 **6C-3. Displaying fiscal note to bill or resolution.** If a fiscal note is available, it shall be  
 35 displayed on the Legislative Research Council internet site for the bill or resolution.

36 **6C-4. Retirement system actuarial statement.** Each bill introduced affecting the benefits  
 37 payable by the state or a local government retirement system shall have an actuarial statement  
 38 displayed on the Legislative Research Council internet site for the bill. The actuarial statement shall  
 39 be requested from the governing board of the retirement system affected and the statement shall  
 40 identify the costs of the proposed change in the law as stated by the actuary for the affected  
 41 retirement plan. If there is a doubt as to the need for an actuarial statement, the presiding officer  
 42 shall make the final decision. After the bill is introduced, the actuarial statement shall be displayed  
 43 on the Legislative Research Council internet site for the bill.

44 **CHAPTER 6D.**  
 45 **FIRST READING AND REFERRAL**  
 46 **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 president pro tempore of the Senate or the speaker of the House may waive referral to a standing committee. If a bill has received final disposition from the Joint Committee on Appropriations, the president pro tempore of the Senate or the speaker of the House 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 president pro tempore of the Senate or the speaker of the House may waive the referral of Senate resolutions, House resolutions, or concurrent resolutions to a standing committee. A copy of any concurrent resolution, Senate resolution, or House 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. Hoguehouse 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

1 made and supported by at least one-fifth of the committee members-elect unless the chair otherwise  
2 delays action on the bill as amended. A request for delay is not in order on the final day for the  
3 committee to act upon the bill, according to the committee's schedule.

4 **6E-3. Message required when one house amends bill or resolution of other house.**  
5 Whenever a bill or joint resolution is passed in one house and amended and passed in the other, a  
6 message to the house of origin shall indicate that the bill or resolution has been amended.

## 7 **CHAPTER 6F.**

### 8 **SECOND READING**

9 **6F-1. No second reading until engrossment.** No bill or resolution amended after  
10 introduction may be read the second time until it is correctly engrossed.

11 **6F-2. Second reading at least one day after committee report.** No bill or joint resolution  
12 may have its second reading or receive final passage until at least one legislative day after it has  
13 been reported to the house by the committee to which the same has been referred and such report  
14 has been read to the house.

15 **6F-3. Action on committee reports.** No report of any standing committee or select  
16 committee may be acted upon until at least one legislative day after it has been read to the body,  
17 except the report of the committee on legislative procedure, or the reports of standing committees  
18 requesting referral to another standing committee of a bill or resolution which may be acted upon  
19 immediately. However, during the last three days of the session, reports of conference committees  
20 may be acted upon the same day as reported.

21 **6F-4. Placement of unamended bills and resolutions on calendar.** If any committee  
22 makes a report that a bill or resolution "Do Pass" without proposing any amendment thereto, the  
23 bill or resolution shall be placed upon the calendar for second reading on the next legislative day.

24 **6F-5. Placement of amended bills and resolutions on calendar.** If any standing  
25 committee returns a bill or resolution to the house with the recommendation that the bill or  
26 resolution do pass with proposed amendments, the report shall be received, read and entered upon  
27 the journal. The committee report shall be placed on the calendar for adoption the following  
28 legislative day and the bill shall be placed on the calendar for floor action on the legislative day  
29 following the adoption of the committee report. On the final day for the committee to act upon a  
30 bill, the report may be placed directly on the calendar for floor action. A report recommending the  
31 passage of a bill or resolution with proposed amendments is not subject to change or amendment.

32 **6F-6. Placement of bills and resolutions not receiving a "Do Pass" recommendation**  
33 **on the calendar.** Any bill or resolution reported "Do Not Pass" or "without recommendation" shall  
34 fail if no motion is made for its disposition under the order of business of Consideration of Committee  
35 Reports on the next legislative day after delivery to the house. A motion to place a bill or resolution  
36 on the calendar where a committee reports a bill or resolution "Do Not Pass" or "without  
37 recommendation" shall require the vote of a majority of the members-elect to carry. A bill or  
38 resolution failing to be placed on the calendar is lost after time for reconsideration has passed.

## 39 **CHAPTER 6G.**

### 40 **PRINTING, ENGROSSING, AND ENROLLING**

#### 41 **STATUTORY PROVISIONS**

42 ***§ 2-7-14. Repealed.***

43 ***§ 2-7-15.1. Repealed.***

**§ 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.

1 **6G-6. Report to committee on legislative procedure.** The chief of the office of engrossing  
2 and enrolling shall examine all amended bills and joint resolutions.

3 **6G-7. Enrolling of bills and joint resolutions.** A bill which has passed both houses of the  
4 Legislature shall be at once enrolled. An enrolled bill or joint resolution shall be free from erasures,  
5 marks and interlineations, and each sheet thereof shall be initialed by the chief of engrossing and  
6 enrolling and numbered for identification. The cover of the bill or joint resolution shall indicate the  
7 house of origin.

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

13 **6G-9. Presentation of bills and joint resolutions to Governor.** After a bill or joint  
14 resolution is signed by the officers of both houses, the chairmen of the committees on legislative  
15 procedure shall jointly cause such bill to be presented to the Governor for the Governor's signature  
16 and such joint resolution to the secretary of state for filing. The committees shall, at any time, report  
17 such presentations to both houses.

## 18 **CHAPTER 6H.**

### 19 **COMMEMORATIONS**

20 **6H-1. Introduction of commemorations.** Any member may introduce a legislative  
21 commemoration, which may be cosponsored by other members of either house, by electronically  
22 filing it. The prime sponsor shall submit all necessary information to the legislative research council  
23 prior to introduction. However, no member may introduce a legislative commemoration after the  
24 deadline prescribed by Joint Rule Chapter 17.

25 **6H-2. Numbering of commemorations.** Each legislative commemoration shall be  
26 numbered consecutively as introduced beginning with No. 801 for the Senate and No. 8001 for the  
27 House of Representatives.

28 **6H-3. Calendaring of commemorations.** Upon introduction, the presiding officer shall place  
29 each pending legislative commemoration on the calendar of the next legislative day.

30 **6H-4. Approval of commemorations in the house of origin.** Any member of the body  
31 may object to the approval of any legislative commemoration by so stating on the floor of the body  
32 at any time before adjournment on the legislative day upon which the legislative commemoration is  
33 calendared. If no such objection is made, the legislative commemoration shall be deemed approved  
34 and the presiding officer shall deliver it to the other house. If there is objection, the legislative  
35 commemoration shall be deemed disapproved. The objection is not debatable.

36 **6H-5. Calendaring of commemorations in the second house.** Upon receipt of a legislative  
37 commemoration from the other house, the presiding officer shall place it on the next day's legislative  
38 calendar.

39 **6H-6. Approval of commemorations in the second house.** Any member of the receiving  
40 body may object to the approval of any legislative commemoration by so stating on the floor of the  
41 body at any time before adjournment on the legislative day upon which the legislative  
42 commemoration is calendared. If no such objection is made, the legislative commemoration shall  
43 be deemed approved and the presiding officer shall deliver it to the house of origin. If there is  
44 objection, the legislative commemoration shall be deemed disapproved. The objection is not  
45 debatable.

46 **6H-7. Enrollment of commemorations.** The secretary of the Senate or the chief clerk of  
47 the House of Representatives shall deliver the original enrolled legislative commemoration to the  
48 prime sponsor.

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**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*



1 *Committees shall include the reasons for not implementing the audit recommendations and a*  
2 *corrective action plan.*

3 **§ 2-6-4.2. Criteria for issuing subpoena.**

4 *Before a subpoena may be issued by the Government Operations and Audit Committee, the*  
5 *committee shall determine that:*

6 (1) *A legislative purpose exists pursuant to §§ 2-6-2 and 2-6-4;*

7 (2) *The subpoenaed person or documents are relevant and material to accomplish the*  
8 *legislative purpose; and*

9 (3) *The information sought is not otherwise practically available.*

10 *It is not a legislative purpose to subpoena a person or documents to collect information that*  
11 *may be used for a criminal proceeding or to legislatively determine guilt or inflict punishment upon*  
12 *an identifiable person.*

13 **§ 2-6-5. Disobedience of legislative summons as misdemeanor.**

14 *Any person who is summoned to attend as a witness before either house of the Legislature or*  
15 *any committee thereof authorized to summon or subpoena witnesses, and who refuses or neglects*  
16 *without lawful excuse to attend pursuant to the summons or subpoena, is guilty of a Class 2*  
17 *misdemeanor.*

18 **§ 2-6-6. Refusal to testify or produce evidence before Legislature as misdemeanor.**

19 *Any person who, being present before either house of the Legislature or any committee thereof*  
20 *authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to answer any material*  
21 *and proper question, or to produce upon reasonable notice any material or proper books, papers,*  
22 *or documents in his possession or under his control, is guilty of a Class 2 misdemeanor.*

23 **§ 2-6-7. Forfeiture of office by legislator in violation--Disqualification from public**  
24 **office.**

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

28 **§ 2-6-8. Retirement laws study committee created--Purpose.**

29 *There is hereby created the South Dakota Retirement Laws Committee to make a continuing*  
30 *study of the pension and annuity and benefit laws relating to employees and officers in public*  
31 *service.*

32 **§ 2-6-9. Appointment and terms of Retirement Laws Committee members--Political**  
33 **affiliations.**

34 *The Retirement Laws Committee shall consist of five members of the House of Representatives*  
35 *to be appointed by the speaker of the House of Representatives and five members of the Senate to*  
36 *be appointed by the president pro tempore of the Senate. The members of the Retirement Laws*  
37 *Committee shall be appointed biennially for terms expiring on January first of each succeeding*  
38 *odd-numbered year and shall serve until their respective successors are appointed and qualified.*  
39 *The appointing authority shall appoint members to the committee proportional to a party's*  
40 *representation in the authority's legislative body. The minority party in each legislative body shall*  
41 *have at least one member.*

**§ 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, excepting committee bill introductions, 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.

1 This rule does not apply to:

2 (1) Consideration of a bill or resolution for which action is required pursuant to Joint Rule  
3 7-7; or

4 (2) Any bills or resolutions for consideration in an afternoon committee meeting that  
5 were on the committee's agenda for its morning meeting on the same day.

6 The term, consideration, means any taking of testimony by the committee, questioning by the  
7 committee, holding of committee discussion, or committee final action on a bill, resolution, or other  
8 proposal.

9 **7-1.5. Consideration of matters not posted.** A two-thirds majority of the committee  
10 members present may bring a matter up for consideration at any time.

11 **7-1.6. Final disposition required on all legislative proposals.** A standing committee shall  
12 take final disposition on each legislative proposal submitted for committee consideration.

13 **7-1.7. Vote requirement.** Final disposition on a bill or resolution requires a majority vote of  
14 the committee members-elect taken by roll call.

15 **7-1.8. Final disposition.** Final disposition is any action which moves a bill out of a committee  
16 to the floor of a house or to another committee or which removes it from further consideration by  
17 the committee. Examples of final disposition include "Do Pass," "Do Pass, Amended," "Refer to  
18 Another Committee," "Lay on the Table," and "Defer to 41st Day."

19 **7-1.9. Attachment of amendments to bills or resolutions reported unfavorably.** Unless  
20 a bill has been ordered to be delivered pursuant to Joint Rule 7-7, a committee may amend a bill or  
21 resolution that it reports "Do Not Pass" or "Without Recommendation."

22 **7-1.10. Amendment of a previously tabled bill.** If a bill is removed from the table and  
23 amended so that it requires a title amendment, the title must be amended and then the bill reported  
24 for a new hearing pursuant to Joint Rule 7-1.4, unless placed by Joint Rule 7-1.5.

25 **7-2. Committee reports.** Each committee shall report final committee actions on legislative  
26 proposals. The chair of a committee shall electronically approve the reports of the committee and  
27 present them to the body when the call for committee reports is made. The chair is responsible for  
28 the accuracy and propriety of the chair's statements and shall answer any questions pertaining to  
29 the report. This rule does not prohibit the committees on legislative procedure from reporting at any  
30 time. Formal actions shall be reported to the body not later than the next legislative day in an  
31 informational committee report which is printed in the daily journal.

32 **7-3. Reports of select committees.** Select committees to which matters are referred shall  
33 in all cases report a statement of facts and their opinion on the matters to the body.

34 **7-4. Dissenting reports.** If the members of a committee cannot agree on its report, the  
35 majority and minority may each make a report. Any member dissenting in whole or in part from the  
36 reasoning and conclusions of both majority and minority may also present a statement of the  
37 member's reasoning and conclusions. All reports shall be entered in the journal if found by the  
38 presiding officer to be decorous in language and respectful to the house.

39 **7-5. Filing of committee minutes.** The minutes of all standing committees shall be prepared  
40 and filed on a computerized legislative information system. Computer terminals shall be available in  
41 the Presidents' and Speakers' lobbies of the capitol.

42 **7-6. Contents of committee minutes.** Minutes of standing committees filed pursuant to  
43 Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief summary of  
44 each proposal's major provisions; the committee's action, if any, on each proposal, including a brief  
45 minority report if requested by any committee member; a record of how each committee member  
46 voted when action was taken, including votes on motions to postpone consideration of proposals;

1 and a list of all persons testifying before the committee on each proposal and the interest they  
2 represent. Minutes of budget hearings conducted by an appropriations committee may contain a  
3 synopsis of testimony received. Minutes shall be open to the public for inspection.

4 **7-7. Demand for delivery of bill or resolution to house--"Smoke-out."** Each house may  
5 by motion order its committee to deliver a bill or resolution under its consideration to that house if  
6 no more than three legislative days have passed since the committee reported that the bill or  
7 resolution was tabled or deferred to the 41st legislative day. If the motion is supported by the vote  
8 of one-third or more of the members-elect, the chair of the committee shall, not later than the next  
9 legislative day, deliver the bill or resolution to the house without recommendation in the same form  
10 the bill or resolution was in when it was tabled or deferred to the 41st legislative day.

11 **7-7.1. Committee recommendation of "smoked-out" bill or resolution.** If a bill or  
12 resolution is tabled or deferred to the 41st legislative day by a committee that does not have all  
13 members of that committee present, and the bill or resolution is subsequently subject to Joint Rule  
14 7-7, the chair may convene a meeting of the committee with all members of the committee present  
15 to consider whether to recommend "Do Pass" or "Do Not Pass" on the bill or resolution. If a majority  
16 of all members of the committee do not vote in favor of a "Do Pass" or "Do Not Pass"  
17 recommendation on the bill or resolution, the chair shall deliver the bill or resolution in accordance  
18 with Joint Rule 7-7.

19 **7-8. Placement of "smoked-out" bill or resolution on calendar.** If Joint Rule 7-7 is  
20 invoked for a bill or resolution on the last day for passage out of the applicable house, the bill or  
21 resolution must be delivered to the House of Representatives or Senate pursuant to Joint Rules 7-7  
22 and 7-7.1, as applicable, on the same legislative day. If reported out of committee pursuant to  
23 Joint Rule 7-7.1 with a "Do Pass" recommendation, the bill or resolution is placed on that day's  
24 calendar, Chapter 6F notwithstanding. If reported out under Joint Rule 7-7 or out of committee  
25 pursuant to Joint Rule 7-7.1 with a "Do Not Pass" recommendation or "without recommendation,"  
26 the bill or resolution is to be addressed under motions and resolutions and may, by motion approved  
27 by a majority of the members-elect of the House of Representatives or Senate, be placed on that  
28 day's calendar, Chapter 6F notwithstanding.

29 **7-9. Calendar committee.** The calendar committee in the Senate consists of the president  
30 pro tempore, the Senate majority leader, and the Senate minority leader. The calendar committee  
31 in the House consists of the speaker of the House, the House majority leader, and the House minority  
32 leader. The committee shall determine the daily legislative calendar.

33 **7-10. Co-chairs of joint committees.** Chairs of standing committees operating and voting  
34 as joint committees shall serve as co-chairs of the joint committees.

35 **7-11. Introduction of general appropriation bill.** Any general appropriation bill shall be  
36 introduced in the House of Representatives in even-numbered years and in the Senate in odd-  
37 numbered years.

38 **7-11.1. Selection of revenue targets.** The Joint Committee on Appropriations shall select  
39 general fund revenue targets for the current and next fiscal years by February 15th for the purpose  
40 of setting appropriations. The Committee may subsequently adjust the general fund revenue  
41 targets.

42 **7-12. Joint committee on appropriations.** The Joint Committee on Appropriations,  
43 consisting of the Senate and House Committees on Appropriations, is deemed to be a standing  
44 committee of the Senate and House of Representatives for the limited purposes of introducing,  
45 hearing, or acting on:

- 46 (1) Agency or other budget presentations;
- 47 (2) Bills authorizing the sale of state property;
- 48 (3) Bills appropriating money; or
- 49 (4) Bills adjusting school district property tax levies.

1 **7-12.1. Joint committee on appropriations action.** All Joint Committee on Appropriations  
2 action shall be approved by a majority vote of the Joint Committee unless a member calls for a  
3 separate vote of the House Committee on Appropriations and the Senate Committee on  
4 Appropriations in which case a majority vote of each committee is required to adopt the action.

5 **7-12.2. Joint committee on appropriations agenda.** Each agenda for the Joint Committee  
6 on Appropriations shall be electronically approved by the chair of the Senate Committee on  
7 Appropriations and the chair of the House Committee on Appropriations. The respective vice chair  
8 of each committee may electronically approve the agenda in the absence of the chair.

9 **7-13. Entertainment of motions.** No motion may be debated until it is seconded. Following  
10 the second of a debatable motion, the chair shall first recognize the member making the motion.  
11 See House Rule H3-2 regarding introductory remarks prior to making a motion in a House  
12 committee.

13 **7-14. Restatement and reading of motions.** When a motion is made and seconded, it shall  
14 be restated by the chair.

15 **7-15. Withdrawal of motions.** After a motion is stated by the chair, it may not be withdrawn  
16 without consent of the members who made and seconded the motion.

17 **7-16. Motions.** When a question is under debate, no motion may be made except the  
18 following motions:

- 19 (1) Adjourn; (nondebatable)
- 20 (2) Recess;
- 21 (3) Call the previous question; (nondebatable)
- 22 (4) Lay on the table; (nondebatable)
- 23 (5) Defer to the 41st day;
- 24 (6) Do pass;
- 25 (7) Do pass, amended;
- 26 (8) Do not pass;
- 27 (9) Do not pass, amended;
- 28 (10) Without recommendation;
- 29 (11) Without recommendation, amended;
- 30 (12) Defer to a day certain;
- 31 (13) Refer to another committee;
- 32 (14) Refer to another committee, amended;
- 33 (15) Refer to another committee, with or without recommendation;
- 34 (16) Do adopt;
- 35 (17) Do concur;
- 36 (18) Amend;
- 37 (19) Approve or amend minutes; and
- 38 (20) Appoint a subcommittee.

39 **7-17. Application and nondebatability of motions to lay on the table.** A motion to lay  
40 on the table which effects a disposition on the merits of any bill or resolution requires the vote of a  
41 majority of the committee members-elect to carry and shall be decided without debate. No other  
42 motion may be made until the members have voted on the motion to lay on the table. Any other  
43 motion to lay on the table requires the vote of a majority of the committee members present and  
44 shall be decided without debate. No committee member may make introductory remarks prior to  
45 making a motion to lay on the table.

46 **7-18. Scope of motions to lay on the table.** A motion to lay on the table may be made so  
47 as to apply either to the main question or to a proposed amendment or to the bill and all pending  
48 amendments, and the motion shall clearly state to which it is intended to apply.

49 **7-19. Motion to take from the table or to reconsider the bill.** Whenever any bill or  
50 resolution is laid on the table or deferred to a day certain beyond sine die, it requires a majority  
51 vote of the committee members-elect to take it from the table or to reconsider the bill or resolution  
52 which was deferred. The motion to take from the table or to reconsider is debatable.

1 **7-20. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to  
2 motions to table and to defer to a day certain beyond sine die shall be the same except that a motion  
3 to defer to a day certain beyond sine die is debatable.

4 **7-21. Motion to call the previous question.** A motion for the previous question shall be  
5 decided immediately by a majority of the committee members present and without debate. The  
6 motion shall clearly indicate the question to which it applies. No committee member may make  
7 introductory remarks prior to making a motion to call the previous question. The effect of adopting  
8 a motion to call the previous question is to close debate, to prevent the moving of amendments or  
9 other subsidiary motions, and to bring to vote immediately the question to be voted upon. The effect  
10 of defeating a motion to call the previous question is to allow continuation of debate on the question  
11 before the committee.

12 **7-22. Priority of vote after call of the previous question.** After a motion to call the  
13 previous question has prevailed, it is not in order to move to adjourn, prior to a decision of the  
14 question before the committee.

15 **7-23. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer  
16 indefinitely or to refer to another committee is decided in the negative, such motion is not again in  
17 order at the same stage of consideration of the bill or proposition.

18 **7-24. Motion to postpone as final action.** A motion to defer indefinitely or to a date beyond  
19 the sine die adjournment of the Legislature requires the vote of a majority of the committee  
20 members-elect.

21 **7-25. Germaneness of amendments.** No motion to amend a bill is in order unless it is  
22 germane to the subject as expressed in the title of the bill.

23 **7-26. Limitations on number of motions to amend and substitute motions.** When a  
24 motion or proposition is under consideration, a motion to amend and a motion to amend that  
25 amendment is in order. It is also in order to offer a further amendment as a substitute, but such  
26 substitute is not subject to amendment.

27 **7-27. Division of the question.** Any member may call for a division of the question. The  
28 chair shall divide the question if it contains questions so distinct that, one being taken away, the  
29 rest may stand as a separate proposition. A member may not call for the division of a bill.

30 **7-28. Committee procedure - Remote electronic testimony.** During any regular or  
31 special session of the Legislature, a committee chair may permit a person to appear from a remote  
32 site and give testimony before the committee by electronic audio or video means. A person shall  
33 make a request to the committee chair to give testimony under this section at least twenty-four  
34 hours before the start of the committee meeting. The committee chair may waive this requirement  
35 if the chair deems the person's testimony necessary for immediate committee discussion.

36 **7-29. Repealed.**

## 37 CHAPTER 8.

### 38 CONFERENCE COMMITTEES

39 **8-1. Appointment and composition of conference committees.** In every case of  
40 disagreement between the two houses, if either house requests a conference and appoints a  
41 committee for that purpose, the other house shall appoint a committee to confer with a like  
42 committee of the other house upon the subject of the disagreement, and to report back to its house  
43 of appointment. Each conference committee shall consist of three members of each house. The  
44 members from the House of Representative shall be appointed by the speaker of the House and the  
45 members from the Senate shall be appointed by the president pro tempore of the Senate. Insofar  
46 as possible, members appointed to conference committees shall be representative of the decision  
47 within the house upon the issue under consideration.

1 **8-2. Conference committee meetings, committee reports, and reports must be**  
2 **germane.** Conference committees shall meet in open session, and minutes shall be taken and  
3 prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the house of  
4 origin shall announce to that body the time and location of each conference committee meeting.  
5 The co-chairs of each conference committee shall report the results of each meeting to the body in  
6 a conference committee report electronically approved by both. The conference committee report  
7 must be germane to the title of the bill as submitted to the conference committee. The adoption of  
8 any conference committee report must be approved by the recorded affirmative vote of at least two  
9 members from each house.

10 **8-3. Final disposition of report and distribution of reports.** Adoption of a conference  
11 committee report recommending passage of a bill or adoption of a resolution constitutes final  
12 disposition. The vote required to concur in the amendments of the other House or to adopt a  
13 conference committee report shall be the same as that required for final passage of the bill or  
14 resolution taking such bill or resolution as a whole. Before the final vote on the adoption of a  
15 conference committee report may be taken, any member of the body may require that the report  
16 be distributed in written form to the members of the body.

17 **8-4. Member may move to not appoint a subsequent conference committee--Final**  
18 **disposition.** However, if a conference committee report is not adopted, any member may move  
19 not to appoint a new conference committee. If that motion prevails it constitutes final disposition of  
20 that bill or resolution.

## 21 CHAPTER 9.

### 22 COMMITTEE OF THE WHOLE

23 **9-1. Designation of committee of the whole chair.** If either house sits as a committee of  
24 the whole, the presiding officer shall name one of the members as chair, who shall be vested with  
25 all the authority of the presiding officer of the house concerned while the committee of the whole is  
26 in session.

27 **9-2. Rules of the committee of the whole.** The rules observed by the house concerned  
28 shall govern as far as practicable, except that:

- 29 (1) The yeas and nays may not be called;  
30 (2) The previous question may not be enforced; and  
31 (3) The time of speaking may not be limited.

32 **9-3. Adjournment of the committee of the whole.** A motion that the committee rise is  
33 always in order and shall be decided without debate.

## 34 CHAPTER 10.

### 35 JOURNALS

### 36 CONSTITUTIONAL PROVISIONS

#### 37 **Art. III, Sec. 13. Legislative journals--Recording of yeas and nays.**

38 *Each house shall keep a journal of its proceedings and publish the same from time to time,*  
39 *except such parts as require secrecy, and the yeas and nays of members on any question shall be*  
40 *taken at the desire of one-sixth of those present and entered upon the journal.*

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**STATUTORY PROVISIONS**
**§ 2-7-7. Officers to keep legislative journals--Custody and disposition of bills and documents.**

*It shall be the duty of the secretary of the Senate and chief clerk of the House of Representatives to keep correct journals of the proceedings of the senate and house, respectively; to have the custody of all records, accounts, and other papers committed to them and at the close of each session of the Legislature to deposit for safekeeping in the Office of the Secretary of State all books, bills, documents, resolutions, and papers in the possession of the Legislature, correctly labeled, folded, and classified, and generally to perform such duties as shall be assigned them by the senate or house, respectively; provided, such journals shall be deposited within forty days after the adjournment of the Legislature.*

**§ 2-7-8. Repealed.**
**§ 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



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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. Repealed.**

**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*

1 each house of the Legislature. And the question upon the final passage shall be taken upon its last  
 2 reading, and the yeas and nays shall be entered upon the journal.

3 **Art XI, § 13. Vote required to increase certain tax rates or valuations.**

4 The rate of taxation imposed by the state of South Dakota on personal or corporate income or  
 5 on sales or services, or the allowable levies or the percentage basis for determining valuation as  
 6 fixed by law for purposes of taxation on real or personal property, shall not be increased unless by  
 7 consent of the people by exercise of their right of initiative or by two-thirds vote of all the members  
 8 elect of each branch of the Legislature.

9 **Art. XI, Sec. 14. Vote required to impose or increase taxes.**

10 The rate of taxation imposed by the State of South Dakota in regard to any tax may not be  
 11 increased and no new tax may be imposed by the State of South Dakota unless by consent of the  
 12 people by exercise of their right of initiative or by two-thirds vote of all the members elect of each  
 13 branch of the Legislature.

14 **Art. XII, Sec. 2. Contents of general appropriation bill--Separate appropriation bills.**

15 The general appropriation bill shall embrace nothing but appropriations for ordinary expenses  
 16 of the executive, legislative and judicial departments of the state, the current expenses of state  
 17 institutions, interest on the public debt, and for common schools. All other appropriations shall be  
 18 made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the  
 19 members of each branch of the Legislature.

20 **Art. XXIII, Sec. 1. Amendments.**

21 Amendments to this Constitution may be proposed by initiative or by a majority vote of all  
 22 members of each house of the Legislature. An amendment proposed by initiative shall require a  
 23 petition signed by qualified voters equal in number to at least ten percent of the total votes cast for  
 24 Governor in the last gubernatorial election. The petition containing the text of the proposed  
 25 amendment and the names and addresses of its sponsors shall be filed at least one year before the  
 26 next general election at which the proposed amendment is submitted to the voters. A proposed  
 27 amendment may amend one or more articles and related subject matter in other articles as  
 28 necessary to accomplish the objectives of the amendment; however, no proposed amendment may  
 29 embrace more than one subject. If more than one amendment is submitted at the same election,  
 30 each amendment shall be so prepared and distinguished that it can be voted upon separately.

31 **STATUTORY PROVISIONS**

32 **§ 4-8A-1(1). Definition of terms.** Terms as used in this chapter, unless the context  
 33 otherwise requires, mean:

34 (1) "General appropriation act," the bill enacted by the Legislature in accordance with the  
 35 provisions of S.D. Const., Article XII, § 2, requiring a majority vote of all the members of each house  
 36 of the Legislature; [.]

37 **RULES**

38 **12-1. Voting required, exceptions, passes.** Each member who is in the chamber when a  
 39 question is put shall vote unless the body excuses the member. A member may pass only once on  
 40 any roll call vote.

41 **12-2. Voting restrictions.** No member may vote on any question unless within the chamber  
 42 and voting before the result of the vote is announced.

43 **12-3. Voting procedures.** Questions shall be put in this form: "As many as favor the  
 44 question, as stated, say 'Yea'; as many as are opposed to the question, as stated, 'Nay'." If the  
 45 presiding officer doubts the result of a vote or if a division is called for, the members shall divide.

1 Those in the affirmative shall rise from their seats and remain standing until counted. A vote of  
 2 "aye" or "yes" shall be recorded as "yea" and a vote of "no" shall be recorded as "nay."

3 **12-4. Changing votes.** If the yeas and nays have been taken on any question, no member  
 4 may change a vote after the decision is announced from the chair, unless by unanimous consent of  
 5 the house.

6 **12-5. Majority vote required for resolutions.** Any joint or concurrent resolution requires  
 7 a majority vote of the members elected to each house of the Legislature, and the yeas and nays  
 8 shall be entered upon the journal. Any House or Senate resolution requires a majority vote of the  
 9 members elected to that house, and the yeas and nays shall be entered upon the journal.

10 **12-6. Two-thirds majority vote required to repeal or amend a sunset provision in the**  
 11 **case of a tax statute.** Any repeal of or amendment to a provision which automatically abolishes  
 12 the imposition of a tax at a specified time allowing the tax to continue in force requires an affirmative  
 13 vote of two-thirds of the members elect.

14 **12-7. Voting Standard.** Except when otherwise provided under the South Dakota  
 15 Constitution, these joint rules, Senate rules, House rules, or South Dakota codified law, vote  
 16 requirements for all motions shall be based on the majority of the members present and voting.

17 **CHAPTER 13.**

18 **CONSENT CALENDAR**

19 **13-1. Consent calendar recommendations by standing committees.** Each standing  
 20 committee may report an uncontested bill or resolution out of committee with the recommendation  
 21 that it be placed on the consent calendar. As used in this rule, an "uncontested bill or resolution" is  
 22 any bill or resolution, except a revenue measure, which receives a do-pass or do-pass-as-amended  
 23 recommendation from the committee to which it is referred, by unanimous vote of the members  
 24 present and has no opposition expressed by any person present at the committee meeting with  
 25 respect to the final version of the bill or resolution as approved by the committee.

26 **13-2. Consent calendar placement, objections.** If any bill or resolution receives no  
 27 opposition testimony in its final form and an affirmative "Do Pass" vote of all members present of  
 28 the committee reporting the bill or resolution to its respective house, the committee chair may  
 29 certify the bill or resolution as uncontested. Any bill or resolution so certified shall be placed on the  
 30 consent calendar by the secretary of the Senate or the chief clerk of the House of Representatives.  
 31 If any member objects to the placement or retention of any bill or resolution on the consent calendar,  
 32 the bill or resolution shall be removed from the consent calendar and placed on the house calendar  
 33 for second reading on the following legislative day. The objection is not debatable. No consent  
 34 calendar bill or resolution may be considered for adoption until the legislative day following the day  
 35 of its placement on the consent calendar.

36 **13-3. Consent calendar scheduling.** The calendar committee in each house may schedule  
 37 consent calendar bills and resolutions at any time.

38 **13-4. Consent calendar items--Questions, voting.** Bills and resolutions on the consent  
 39 calendar are not debatable. The president of the Senate or the speaker of the House of  
 40 Representatives shall allow a reasonable time for questions from the floor and shall permit the  
 41 proponents of the bills or resolutions to answer the questions. Immediately before voting on the  
 42 first bill or resolution on the consent calendar, the president of the Senate or the speaker of the  
 43 House of Representatives shall call to the attention of the members the fact that the next roll call  
 44 will be the roll call on the bill or resolution on the consent calendar.

45 **CHAPTER 14.**

46 **EFFECTIVE DATE OF LEGISLATION AND VETO CONSIDERATIONS**

47 **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**

<b>Legislative Deadlines</b>	
<b>Legislative Action</b>	<b>40 Day Session</b>
A. Last day for unlimited introduction of individual bills and joint resolutions, concurrent resolutions, and resolutions of the house of origin <sup>1</sup>	12 <sup>th</sup> Day
B. Last day for introduction of individual bills, joint resolutions, concurrent resolutions, and resolutions of the house of origin <sup>1</sup>	15 <sup>th</sup> Day
C. Last day for introduction of committee bills and joint resolutions <sup>1</sup>	16 <sup>th</sup> Day
D. Last day to move required delivery of bills, joint resolutions, concurrent resolutions, or resolutions of the house of origin by a committee to the house of origin; and last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27 <sup>th</sup> Day
E. Last day to pass bills or joint resolutions by the house of origin and to invoke Joint Rule 7-7 in the house of origin	28 <sup>th</sup> Day
F. Last day for introduction of commemorations <sup>1</sup>	33 <sup>rd</sup> Day
G. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 <sup>th</sup> Day
H. Last day to move required delivery of bills, joint resolutions, or concurrent resolutions by a committee to the second house	35 <sup>th</sup> Day
I. Last day for a bill, joint resolution, or concurrent resolution to pass both houses; and to invoke Joint Rule 7-7 in the second house	36 <sup>th</sup> Day

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J. The last day of a legislative session is reserved for the consideration of vetoes	40 <sup>th</sup> Day
<sup>1</sup> Bills, concurrent resolutions, Senate resolutions, House resolutions, and joint resolutions must be submitted to the Legislative Research Council in advance of the deadline pursuant to Joint Rule 6A-5.	

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**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, D, E, H, and I, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

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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 D and E, in this chapter:

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(1) Last day to move required delivery of bills by a committee to the house of origin: 30th Day;

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(2) Last day to pass bills by the house of origin: 31st Day.

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**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:

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(1) Decrease the deadlines occurring after the 16<sup>th</sup> day but prior to the 34<sup>th</sup> day by one (1) day for every two (2) days by which the length of the adopted calendar is less than forty (40) days;

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(2) Decrease the deadlines occurring on and after the 34<sup>th</sup> day by the same number of days by which the length of the adopted calendar is less than forty (40) days.

