



2025 South Dakota Legislature

House Bill 1216

Introduced by: **Representative Halverson**

1 **An Act to modify and repeal provisions related to the Legislative Research Council.**

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

3 **Section 1. That § 2-7-6.1 be AMENDED:**

4 **2-7-6.1.** No bill or joint resolution may be introduced in either house of the
5 Legislature by any committee thereof, except:

- 6 (1) A bill or a joint resolution introduced by any standing committee of either house;
- 7 (2) A bill or joint resolution referred to the Legislature from an interim committee of
8 the ~~State~~ Legislative Research Council;
- 9 (3) A bill or joint resolution introduced, by one or more committee members upon
10 majority vote of the interim committee, at the request of the interim:
11 (a) Rules Review Committee, ~~the interim;~~
12 (b) Government Operations and Audit Committee, ~~the interim;~~
13 (c) Retirement Laws Committee, ~~the interim;~~
14 (d) Joint Bonding Review Committee, ~~and the interim;~~
15 (e) State-Tribal Relations Committee ~~by one or more committee members upon~~
16 ~~majority vote of the interim committee;~~ or
17 (f) Code Commission; or
- 18 (4) A bill or joint resolution introduced at the request of the Governor, an executive
19 agency, ~~or of~~ the chief justice of the Supreme Court.

20 The committee shall obtain a written request for ~~such~~ the introduction from either
21 the ~~council~~ Legislative Research Council, the Governor, the department head of an
22 executive agency, a constitutional officer or board, or the chief justice, and shall retain
23 ~~such~~ the request in its file. Committee bills introduced on behalf of a department head of
24 an executive agency, a constitutional officer, ~~or~~ board may be introduced by the ~~chairman~~
25 chair without a vote of the committee for purposes of prefiling.

1 Nothing in this section prohibits one or more legislators from ~~introduction of~~
2 introducing a bill or a joint resolution.

3 **Section 2. That § 2-7-7 be AMENDED:**

4 **2-7-7.** ~~It shall be the duty of the~~ The secretary of the Senate and chief clerk of the
5 House of Representatives ~~to keep~~ shall:

6 (1) Keep correct journals of the proceedings of the ~~senate and house~~ Senate and House
7 of Representatives, respectively; ~~to have the~~

8 (2) Have custody of all records, accounts, and other papers committed to them ~~and~~
9 at;

10 (3) At the close of each session of the Legislature ~~to~~ deposit for safekeeping ~~in the~~
11 Office of ~~with~~ the ~~Secretary of State~~ secretary of state all books, bills, documents,
12 resolutions, and papers in the possession of the Legislature, correctly labeled,
13 folded, and classified; ~~and generally to perform such~~;

14 (4) Deposit the Senate and House of Representatives journals, respectively, with the
15 secretary of state within forty days after the adjournment of the Legislature; and

16 (5) Perform duties as ~~shall be~~ assigned them by the ~~senate or house~~ Senate or House
17 of Representatives, respectively; ~~provided, such journals shall be deposited within~~
18 forty days after the adjournment of the Legislature.

19 **Section 3. That § 2-9-1 be AMENDED:**

20 **2-9-1.** ~~The State~~ Legislative Research Council shall continue and shall consist of
21 ~~all of the~~ members of the South Dakota Legislature. ~~It shall be the function of the~~ The
22 Legislative Research Council ~~to~~ may consider legislative policies between sessions of the
23 Legislature ~~and carry out the duties imposed by this chapter.~~

24 **Section 4. That § 2-9-2 be AMENDED:**

25 **2-9-2.** ~~The~~ There is established the Executive Board of the Legislative Research
26 Council ~~shall have an executive board, to be known as the Executive Board of the~~
27 Legislative Research Council, ~~which shall consist~~ consisting of fifteen members, as
28 follows: ~~four~~

29 (1) Four members from the Senate ~~and five~~, elected by a majority vote in party caucus
30 in odd-numbered years;

1 ~~(2) Five members from the House of Representatives, to be elected by a majority vote~~
 2 ~~by their respective legislative bodies in party caucus before each regular session~~
 3 ~~of the Legislature held in odd-numbered years, and ex officio the;~~

4 ~~(3) The president pro tempore, majority leader, and minority leader of the Senate;~~
 5 ~~and the~~

6 ~~(4) The speaker, majority leader, and minority leader of the House of Representatives~~
 7 ~~elected in such regular session.~~

8 ~~The number of senate and house~~ Senate and House of Representatives members
 9 on the executive board ~~shall~~ must remain constant, and any vacancy ~~occurring shall~~ must
 10 be filled by the respective legislative bodies in party caucus. If a vacancy occurs in the ex
 11 officio position on the board for the president pro tempore, the vacancy on the board ~~shall~~
 12 must be filled by the majority party caucus until the Senate elects a new president pro
 13 tempore. If a vacancy occurs in the ex officio position on the board for the speaker, the
 14 vacancy on the board ~~shall~~ must be filled by the speaker pro tempore until the House of
 15 Representatives elects a new speaker. No board member, excepting ex officio, may serve
 16 more than three successive terms.

17 **Section 5. That § 2-9-4 be AMENDED:**

18 **2-9-4.** The executive board shall:

- 19 (1) Instigate research and collect information concerning the government and general
 20 welfare of the state;
- 21 (2) Investigate and make recommendations concerning important issues of public
 22 policy and questions of statewide interest;
- 23 (3) Prepare a legislative program in the form of bills, or otherwise, as in its opinion the
 24 welfare of the state may require, to be presented to the Legislature;
- 25 (4) Cooperate with the administration in devising means of enforcing the law;
- 26 (5) Study, inquire, make recommendations, and propose bills in any phase or branch
 27 of state government so deemed advisable and necessary;
- 28 (6) Appoint and name committees from the members of the ~~State~~ Legislative Research
 29 Council, and assign to ~~such committee or the~~ the committees appropriate subjects and
 30 projects of whatever character and nature the executive board deems advisable.
 31 Each member of the council is entitled to membership on one study committee of
 32 the member's choice insofar as practicable;
- 33 (7) Conduct legislative oversight and management analysis of the executive branch of
 34 government by means of a selective program of performance auditing and

- 1 cooperate with the administration in improving the efficiency and effectiveness of
- 2 administrative methods;
- 3 (8) Review and make recommendations for further legislative action regarding the
- 4 opinions of state and federal courts which have sought to interpret the intent of
- 5 South Dakota legislative acts; and
- 6 (9) Allocate funds to the House of Representatives and the Senate to pay for out-of-
- 7 state travel and salary or per diem costs incurred by members, and to pay for in-
- 8 state travel and salary or per diem costs incurred by members, excluding costs
- 9 associated with any legislative session.

10 The Legislative Research Council shall make payments to representatives for costs
 11 and travel approved by the speaker of the House of Representatives, from the funds
 12 allocated to the House of Representatives, and shall make payments to senators for costs
 13 and travel approved by the president pro tempore of the Senate, from the funds allocated
 14 to the Senate. Any payment decision of the speaker of the House of Representatives may
 15 be appealed to the members of the executive board from the House of Representatives.
 16 Any payment decision of the president pro tempore of the Senate may be appealed to the
 17 members of the executive board from the Senate. No funds may be paid beyond the
 18 amounts allocated to each body.

19 **Section 6. That § 2-9-7 be AMENDED:**

20 **2-9-7.** Claims of members of the ~~State~~ Legislative Research Council and members
 21 of the executive board for compensation and expenses ~~shall~~ must be paid out of funds
 22 appropriated therefor, and on vouchers approved according to rules determined by the
 23 executive board.

24 **Section 7. That § 2-9-9 be AMENDED:**

25 **2-9-9.** There is hereby established within the ~~Office of the State~~ Legislative
 26 Research Council the position of code counsel. The executive board ~~of the council~~ shall
 27 appoint a code counsel who is a graduate of an accredited law school and who is either
 28 admitted to the practice of law in ~~the State of South Dakota~~ this state at the time of ~~such~~
 29 ~~employment~~ appointment or is eligible to and becomes ~~so~~ admitted within one year after
 30 ~~such employment~~ appointment.

31 **Section 8. That § 2-9-10 be AMENDED:**

Underscores indicate new language.
 Overstrikes indicate deleted language.

1 **2-9-10.** The code counsel ~~shall~~ must be provided with offices within or adjacent or
2 ~~as near as may be~~ to the office of the ~~State~~ Legislative Research Council.

3 **Section 9. That § 2-9-13.1 be AMENDED:**

4 **2-9-13.1.** The ~~Executive Board of the Legislative Research Council~~ executive board
5 shall assign college student interns to the legislative branch of government. The ~~Executive~~
6 ~~Board~~ executive board shall set the number of interns and divide the total number of
7 interns between the political parties in each chamber in proportion to the party
8 membership in each chamber as nearly as is practicable. The minority party in each house
9 shall have a minimum of three interns.

10 **Section 10. That § 2-9-14 be AMENDED:**

11 **2-9-14.** The ~~Executive Board of the Legislative Research Council~~ executive board
12 shall administer the program and supervise the college student interns who are assigned
13 to the legislative branch of ~~state~~ government.

14 **Section 11. That § 2-16-5.2 be AMENDED:**

15 **2-16-5.2.** The director of the ~~State~~ Legislative Research Council and the code
16 counsel ~~are hereby charged with the duty of assisting~~ shall assist the Code Commission
17 within ~~such~~ the limitations as it may prescribe and to provide space for its supplies and to
18 make available the facilities of the council for its meetings. The director shall also supervise
19 the secretarial functions of the commission and otherwise assist it to the extent feasible.

20 **Section 12. That § 3-9-5 be AMENDED:**

21 **3-9-5.** Members of the Legislature, and officers of the Legislature who are not
22 members, may incur traveling and personal expenditures outside the boundaries of this
23 state by and with the consent of the speaker of the House of Representatives and the
24 president pro tempore of the Senate when the Legislature is in session, and, when the
25 Legislature is not in session, by and with the written consent of the Executive Board of the
26 State Legislative Research Council.

27 **Section 13. That § 3-9-5.1 be AMENDED:**

28 **3-9-5.1.** Officers and employees of the Department of Legislative Audit and the
29 State Legislative Research Council may incur traveling and personal expenditures outside

1 the boundaries of this state by and with the written consent of the ~~chairman~~ chair of the
2 Executive Board of the ~~State~~ Legislative Research Council.

3 **Section 14. That § 4-2-8 be AMENDED:**

4 **4-2-8.** The Executive Board of the ~~State~~ Legislative Research Council is ~~hereby~~
5 empowered to act on behalf of the Legislature in directing the activities of the
6 auditor-general.

7 **Section 15. That § 2-9-7.1 be REPEALED.**

8 ~~The Executive Board of the Legislative Research Council may establish charges~~
9 ~~based on actual costs for printing statutes from the computerized statutory data base.~~
10 ~~This authority does not include charging for copies of proposed rules. Receipts shall be~~
11 ~~deposited in the state general fund.~~

12 **Section 16. That § 2-9-30.1 be REPEALED.**

13 ~~For any initiated measure or initiated amendment to the Constitution submitted to~~
14 ~~the director of the Legislative Research Council pursuant to § 12-13-25 prior to July 1,~~
15 ~~2017, and certified by the secretary of state pursuant to § 2-1-17 for placement on the~~
16 ~~ballot during the general election of 2018, the secretary of state shall request a~~
17 ~~determination from the director under § 2-9-30. If the director of the Legislative Research~~
18 ~~Council makes a determination pursuant to § 2-9-30 that the initiated measure or initiated~~
19 ~~amendment to the Constitution has no impact, the director shall notify the sponsor and~~
20 ~~the secretary of state that the measure or amendment has no impact. If the director of~~
21 ~~the Legislative Research Council makes a determination pursuant to § 2-9-30 that the~~
22 ~~measure or amendment has an impact, the director shall prepare a fiscal note pursuant~~
23 ~~to § 2-9-31. The secretary of state shall include the fiscal note, if any, on the ballot~~
24 ~~pursuant to § 12-13-25.1.~~