

Committee: Joint Legislative Procedure

Tuesday, January 14, 2020 3:00 PM

Roll Call

Present: Rep. Qualm, Rep. Beal, Rep. Gosch, Rep. Diedrich, Rep. Hansen, Rep. Jamie Smith, Sen. Langer, Sen. Bolin, Sen. Novstrup, Sen. Schoenbeck, Sen. Kolbeck, Sen. Nesiba, Rep. Haugaard, and Sen. Brock Greenfield

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Brock Greenfield**

Senator Greenfield passed the gavel to Senator Jack Kolbeck.

NEW JOINT RULES 6B-5 AND 3-1.1

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed new Joint Rule 6B-5.

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

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

**MOTION: TO ADOPT THE PROPOSED NEW JOINT RULE 6B-5**

Moved by: Nesiba  
Second by: Jamie Smith  
Action: Prevailed by roll call vote (9-5-0-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Jamie Smith, Bolin, Novstrup, Nesiba, and Haugaard

Voting No: Hansen, Langer, Schoenbeck, Kolbeck, and Brock Greenfield

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed new Joint Rule 3-1.1.

**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.

**MOTION: TO ADOPT THE PROPOSED NEW JOINT RULE 3-1.1**

Moved by: Haugaard  
 Second by: Gosch  
 Action: Prevailed by roll call vote (12-2-0-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Hansen, Jamie Smith, Langer, Bolin, Novstrup, Nesiba, Haugaard, and Brock Greenfield

Voting No: Schoenbeck and Kolbeck

**PROPOSED AMENDMENTS TO JOINT RULES**

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendments to Joint Rule 3-1.

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

Senator Nesiba moved, seconded by Senator Greenfield, the following:

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

SUBSTITUTE MOTION: Senator Schoenbeck, seconded by Representative Hansen moved the proposed amendment to Joint Rule 3-1 be changed as follows:

**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 manual which shall be annually reviewed by the Executive Board of the Legislative Research Council and approved by the Joint Select Committee on Compensation.

Senator Schoenbeck withdrew his motion, with the consent of his second.

After discussion, the following language was proposed by Representative Gosch.

**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 ~~manual~~ manual-schedule which shall be annually reviewed by the Executive Board of the Legislative Research Council and approved by the Joint Select Committee on Compensation.

**MOTION:      SUBSTITUTE MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULE 3-1**

Moved by:      Gosch  
 Second by:     Nesiba  
 Action:        Prevailed by roll call vote (14-0-0-0)

Voting Yes:    Qualm, Beal, Gosch, Diedrich, Hansen, Jamie Smith, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendments to Joint Rules 6A-8; 6B-1; 6B-5; 6H-1; 7-2; 7-12; 8-2, and 15.1.

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

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

**6B-5.1. Bill introduction by standing committees.** Before a bill or joint resolution can be introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have received an affirmative vote of a majority of the members of a standing committee at one of its regular meetings ~~with a statement of such fact on a separate slip attached to the cover of the bill and~~

~~signed by the chair of the committee. The chair of the committee shall electronically file the bill or resolution for the committee.~~

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

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

**7-12. Joint committees on appropriations.** The Joint Committee on Appropriations, consisting of the Senate and House Committees on Appropriations, is deemed to be a standing committee of the Senate and House of Representatives for the limited purposes of hearing agency or other budget presentations, and introducing, hearing, or acting on bills that authorize the sale of state property, appropriate money, or adjust school district property tax levies pursuant to an appropriations bill. All Joint Committee on Appropriations action shall be approved by a majority vote of the Joint Committee unless a member calls for a separate vote of the House Committee on Appropriations and the Senate Committee on Appropriations in which case a majority vote of each committee is required to adopt the action. Each agenda for the Joint Committee on Appropriations shall be electronically approved by the chair of the Senate Committee on Appropriations and the chair of the House Committee on Appropriations. The respective vice chair of each committee may ~~sign~~ electronically approve the agenda in the absence of the chair.

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

**15-1. Communications by messages.** Any communication between the Senate and the House of Representatives shall be by message which shall be ~~signed~~ approved by the secretary or chief clerk, respectively, and ~~sent~~ transmitted to the house to which it is addressed.

**MOTION: TO REMOVE ALL REFERENCES TO "ELECTRONICALLY" FROM THE AMENDMENTS LISTED ABOVE AND TO ADOPT.**

Moved by: Brock Greenfield  
 Second by: Langer  
 Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULES 6A-8; 6B-1; 6B-5.1; 6H-1; 7-2; 7-12; 8-2; and 15-1 AS PRINTED**

Moved by: Nesiba  
 Second by: Jamie Smith  
 Action: Failed by roll call vote (7-7-0-0)

Voting Yes: Qualm, Diedrich, Hansen, Jamie Smith, Bolin, Novstrup, and Nesiba

Voting No: Beal, Gosch, Langer, Schoenbeck, Kolbeck, Haugaard, and Brock Greenfield

Senator Greenfield presented new language to be adopted and added to the previously mentioned sections as follows:

**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.

Representative Mulally appeared before the committee with questions.

**MOTION: SUBSTITUTE MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULES 6A-8; 6B-1; 6B-5.1; 6H-1; 7-2; 7-12; 8-2; 15-1 AS PRINTED AND TO ADOPT NEW JOINT RULE 6I-2**

Moved by: Schoenbeck  
 Second by: Gosch  
 Action: Prevailed by roll call vote (14-0-0-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Hansen, Jamie Smith, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendments to Joint Rules 6B-2 and 6H-2.

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

beginning with No. 501 for Senate joint resolutions and with No. 5001 for House joint resolutions. Concurrent resolutions shall be numbered consecutively as introduced, beginning with No. 601 for Senate concurrent resolutions and with No. 6001 for House concurrent resolutions. Resolutions shall be numbered consecutively as introduced, beginning with No. 701 for Senate resolutions and with No. 7001 for House resolutions.

**6H-2. Numbering of commemorations.** Each legislative commemoration shall be numbered consecutively as introduced beginning with No. ~~1~~801 for the Senate and No. ~~1001~~8001 for the House of Representatives.

**MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULES 6B-2 AND 6H-2**

Moved by: Jamie Smith  
 Second by: Hansen  
 Action: Prevailed by roll call vote (14-0-0-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Hansen, Jamie Smith, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed new Joint Rules 6B-4 AND 6E-2.

Representative Mulally provided history as to the initiation of the amendments.

The committee acted on them individually starting with 6B-4.

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

**MOTION: TO TABLE PROPOSED AMENDMENTS TO JOINT RULE 6B-4**

Moved by: Schoenbeck  
 Second by: Novstrup  
 Action: Failed by roll call vote (5-9-0-0)

Voting Yes: Beal, Gosch, Diedrich, Novstrup, and Schoenbeck

Voting No: Qualm, Hansen, Jamie Smith, Langer, Bolin, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

**MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULE 6B-4**

Moved by: Langer  
Second by: Brock Greenfield  
Action: Prevailed by roll call vote (8-6-0-0)

Voting Yes: Qualm, Hansen, Jamie Smith, Langer, Bolin, Nesiba, Haugaard, and Brock Greenfield

Voting No: Beal, Gosch, Diedrich, Novstrup, Schoenbeck, and Kolbeck

The committee then acted upon the proposed amendments to Joint Rule 6E-2.

**6E-2. Hoghouse amendments.** A substitute bill shall be treated as an amendment and shall be governed by the rules governing amendments. ~~A substitute bill shall include a listing of the sponsors of the substitute bill, who shall be sponsors of the bill as amended by the substitute bill.~~ Final committee action on any bill amended with a substitute bill may not be heard until one legislative day has intervened, if a request for delay is made and supported by at least one-fifth of the committee members-elect unless the chair otherwise delays action on the bill as amended. A request for delay is not in order on the final day for the committee to act upon the bill, according to the committee's schedule.

Wenzel Cummings, Code Counsel, responded to questions.

**MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULE 6E-2**

Moved by: Langer  
Second by: Hansen  
Action: Prevailed by roll call vote (13-1-0-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Hansen, Jamie Smith, Langer, Bolin, Novstrup, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

Voting No: Schoenbeck

THE PROPOSED AMENDMENTS TO JOINT RULE 6H-3 WERE ACTED UPON.

**6H-3. ~~Printing and calendaring~~ Calendaring of commemorations.** Upon introduction, ~~the presiding officer shall order the legislative commemoration printed in the journal of that legislative day.~~ The presiding officer shall place each pending legislative commemoration on the calendar of the next legislative day following its printing.

**MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULE 6H-3**

Moved by: Langer

Second by: Nesiba  
 Action: Prevailed by roll call vote (14-0-0-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Hansen, Jamie Smith, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

Senator Schoenbeck presented and explained the proposed amendments to Joint Rule 6A-1.

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

- (1) A House or Senate resolution pertains to the affairs of one house only and requires action only by the legislative chamber concerned. A House or Senate resolution may be used to express an opinion or principle of one house, to express an opinion to or make a request of the other house, to regulate procedure, or to refer a topic to the Executive Board of the Legislative Research Council for possible study by an interim study committee;
- (2) A concurrent resolution does not have the force of law. A concurrent resolution shall only be used express an opinion or principle of the Legislature, to authorize interim studies, sessions or committees, to instruct a department of state government, or to petition federal agencies;
- (3) A joint resolution contains matters of legislation only. A joint resolution may be used to refer a matter for referendum to the people, to place a constitutional amendment on the ballot at the next general election, to ratify proposed amendments to the United States Constitution, to enact legislative reapportionment, or to grant a water right pursuant to § 46-5-20.1;
- (4) A House or Senate resolution of disapproval as provided under Article IV, Section 8, of the South Dakota Constitution; and
- (5) A legislative commemoration expresses recognition of service or achievements of national or statewide importance or expresses sorrow over death or loss.

It was suggested that 6A-1 (2) be grammatically changed by inserting "to" prior to "express".

**MOTION: TO ADOPT THE PROPOSED AMENDMENT CHANGES TO JOINT RULE 6A-1, WITH THE STATED ADDITIONAL WORD**

Moved by: Schoenbeck  
 Second by: Bolin  
 Action: Prevailed by roll call vote (11-3-0-0)

Voting Yes: Qualm, Beal, Diedrich, Hansen, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Haugaard, and Brock Greenfield

Voting No: Gosch, Jamie Smith, and Nesiba

Representative Hansen presented and explained the proposed amendments to Joint Rule 12-6.

**12-6. Two-thirds majority vote required to repeal or amend a sunset provision or automatic rate reduction provision in the case of a tax statute. Any**



repeal of or amendment to a provision ~~which that~~ automatically abolishes the imposition of a tax at a specified time, thereby allowing the tax to continue in force, or any repeal of or amendment to a provision that automatically reduces the rate of taxation upon one or more conditions being satisfied, requires an affirmative vote of two-thirds of the members elect.

**MOTION: TO TABLE PROPOSED AMENDMENTS TO JOINT RULE 12-6**

Moved by: Nesiba  
Second by: Bolin  
Action: Failed by roll call vote (6-8-0-0)

Voting Yes: Jamie Smith, Bolin, Schoenbeck, Nesiba, Haugaard, and Brock Greenfield

Voting No: Qualm, Beal, Gosch, Diedrich, Hansen, Langer, Novstrup, and Kolbeck

**MOTION: TO DEFER FINAL ACTION TO ANOTHER DAY**

Moved by: Langer  
Second by: Schoenbeck  
Action: Prevailed by voice vote

**MOTION: ADJOURN**

Moved by: Beal  
Second by: Haugaard  
Action: Prevailed by voice vote

Rena K. Ortbahn, Committee Secretary

/s/ Brock L. Greenfield  
BROCK L. GREENFIELD, Chair