

Committee: Joint Legislative Procedure

Tuesday, March 10, 2020 9:00 AM

Roll Call

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Brock Greenfield

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 27TH

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

PROPOSED AMENDMENTS TO JOINT RULES 6C-2, 6C-3, AND 6C-4

6C-2. Deferral of bills without fiscal note. ~~The original copy of a bill or resolution for which a fiscal note has been requested shall be stamped by the bill clerk with the initials "F.N." include a notation of the requirement on the Legislative Research Council internet site for the bill or resolution. The completed fiscal note shall be displayed on the Legislative Research Council internet site before referral to a committee. If the bill or resolution is reported back without a fiscal note, the presiding officer shall defer placing the bill or resolution may be placed on the second reading calendar until the requested fiscal note is received.~~ However, the presiding officer may place the bill or resolution on the second reading calendar if the presiding officer determines a fiscal note is no longer required.

6C-3. Attaching ~~Displaying~~ fiscal note to bill or resolution. If a fiscal note is available, it shall be ~~attached by the bill clerk at the end of the original copy~~ of displayed on the Legislative Research Council internet site for the bill or resolution.

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

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendments to Joint Rules 6C-2, 6C-3, and 6C-4.

MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULES 6C-2, 6C-3, AND 6C-4

Moved by: Schoenbeck
 Second by: Hansen
 Action: Prevailed by Majority Members Elect (13-0-1-0)

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

Excused: Beal

PROPOSED AMENDMENT TO JOINT RULE 7-1.6

7-1.6. ~~Formal action~~ Final disposition required on all legislative proposals. ~~Standing committees~~ A standing committee shall take formal action regarding final disposition on each legislative proposal submitted for their committee consideration.

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendments to Joint Rule 7-1.6

MOTION: TO ADOPT THE PROPOSED AMENDMENTS TO JOINT RULE 7-1.6

Moved by: Gosch
 Second by: Diedrich
 Action: Prevailed by Majority Members Elect (13-0-1-0)

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

Excused: Beal

DISCUSS JOINT RULE 13-1

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

Mr. Jason Hancock, Director, Legislative Research Council, explained possible changes that could be made to Joint Rule 13-1. Mr. David Ortbahn, Legislative Research Council, responded to questions. The committee took no formal action.

DISCUSS JOINT RESOLUTION 6B-1.1.

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

Mr. Jason Hancock, Director, Legislative Research Council, explained possible changes that could be made to Joint Rule 6B-1.1. No formal committee action was taken.

AMEND JOINT RULE 7-16 (motion below is as adopted)

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

- (1) Adjourn; (nondebatable)
- (2) Recess;
- (3) Call the previous question; (nondebatable)
- (4) Lay on the table; (nondebatable)
- (5) Defer to the 41st day;
- (6) Do pass;
- (7) Do pass, amended;
- (8) Do not pass;
- (9) Do not pass, amended;
- (10) Without recommendation;
- (11) Without recommendation, amended;
- (12) Defer to a day certain;
- (13) Refer to another committee;
- (14) Refer to another committee, amended;
- (15) Refer to another committee, with or without recommendation;
- ~~(16) Do adopt;~~
- ~~(17) Do concur;~~
- ~~(18) Amend~~
- ~~(16)~~(19) Approve or amend minutes; and
- ~~(17)~~(20) Appoint a subcommittee.

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendments to Joint Rule 7-16.

MOTION: TO ADOPT PROPOSED AMENDMENTS TO JOINT RULE 7-16

Moved by: Haugaard
 Second by: Kolbeck
 Action: Prevailed by Majority Members Elect (13-0-1-0)

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

Excused: Beal

MOTION: TO ADD THE FOLLOWING TO ADOPTED JOINT RULE 7-16: "REFER TO ANOTHER COMMITTEE, WITH OR WITHOUT RECOMMENDATION;"

Moved by: Gosch

Second by: Hansen

Action: Prevailed by Majority Members Elect (13-0-1-0)

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

Excused: Beal

PROPOSED NEW JOINT RULE 7-23.1 (language is as amended)

7-23.1 Renewal of motion. Any motion for final disposition that has failed may be renewed only if there is a change in circumstances from the time the motion was previously made. A change in circumstances may include, but is not limited to:

- (1) A member of the committee who was not present to vote on the initial motion is present for the renewed motion;
- (2) The bill or resolution is amended following the initial motion that is to be renewed; or
- (3) The bill or resolution is considered on a subsequent legislative day.

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed new Joint Rule 7-23.1.

MOTION: TO ADOPT THE PROPOSED NEW JOINT RULE 7-23.1

Moved by: Haugaard

Second by: Gosch

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: TO REPLACE THE LANGUAGE FOLLOWING AFTER CHANGE OF CIRCUMSTANCES WITH THE FOLLOWING: "MAY INCLUDE BUT IS NOT LIMITED TO:"

Moved by: Lesmeister

Second by: Nesiba

Action: Prevailed by voice vote

MOTION: TO ADOPT THE PROPOSED JOINT RULE 7-23.1 AS AMENDED

Moved by: Gosch

Second by: Beal

Action: Failed by Majority Members Elect (1-12-1-0)

Voting Yes: Gosch

Voting No: Qualm, Diedrich, Hansen, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, Haugaard, Brock Greenfield, and Lesmeister

Excused: Beal

ADDITION OF NEW JOINT RULE 12-7

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

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed new Joint Rule 12-7. Representative Finck also explained the proposal.

MOTION: TO ADOPT THE PROPOSED NEW JOINT RULE 12-7

Moved by: Gosch

Second by: Lesmeister

Action: Prevailed by Majority Members Elect (13-0-1-0)

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

Excused: Beal

PROPOSED AMENDMENT TO JOINT RULE 17-1

17-1. Exceptions to deadlines for appropriation bills. Any general appropriation bill, any bill that amends a prior year's general appropriations bill, or any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, E, F, I, and J, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

Any appropriation bill that is not a general appropriation bill, which is referred to or reported to the floor by the ~~House Appropriations, the Senate Appropriations or the Joint Committee on Appropriations,~~ is subject to the following legislative deadlines, in lieu of the legislative deadlines of E and F, in this chapter:

- (1) Last day to move required delivery of bills by a committee to the house of origin: 31st Day;
- (2) Last day to pass bills by the house of origin: 32nd Day.

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed amendment to Joint Rule 17-1. Representative Finck also explained the proposal.

MOTION: TO ADOPT PROPOSED AMENDMENTS TO JOINT RULE 17-1

Moved by: Bolin
 Second by: Schoenbeck
 Action: Prevailed by Majority Members Elect (8-6-0-0)

Voting Yes: Diedrich, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, and Brock Greenfield

Voting No: Qualm, Beal, Gosch, Hansen, Haugaard, and Lesmeister

PROPOSED ADDITION OF NEW JOINT RULE CHAPTER 1C

CHAPTER 1C
LEGISLATIVE DISTRICT RESIDENCY

1C-1. Determination of residence. For the purposes of determining whether a senator or representative resides in the legislative district the member was elected or appointed to represent, a member may only have one primary residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the person returns when not called elsewhere for labor or other special or temporary purposes.

Mr. Jason Hancock, Director, Legislative Research Council, presented and explained the proposed new Joint Rule Chapter 1C. Senator Heinert testified in opposition to the proposed changes.

MOTION: TO TABLE THE PROPOSED NEW JOINT RULE CHAPTER 1C

Moved by: Nesiba
 Second by: Lesmeister
 Action: Failed by Majority Members Elect (7-6-1-0)

Voting Yes: Bolin, Schoenbeck, Kolbeck, Nesiba, Haugaard, Brock Greenfield, and Lesmeister

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

Excused: Langer

MOTION: DO PASS THE PROPOSED NEW JOINT RESOLUTION CHAPTER 1C

Moved by: Gosch
 Second by: Hansen
 Action: Failed by Majority Members Elect (1-13-0-0)

Voting Yes: Gosch

Voting No: Qualm, Beal, Diedrich, Hansen, Langer, Bolin, Novstrup, Schoenbeck, Kolbeck, Nesiba, Haugaard, Brock Greenfield, and Lesmeister

PROPOSED AMENDMENTS TO JOINT RULE 6B-3

6B-3. Limit on number of bills that may be introduced. A legislator may introduce as prime sponsor only three individual bills or joint resolutions during the last three days for bill introduction prescribed by Joint Rule Chapter 17. A legislator may introduce as prime sponsor only ~~four~~ two combined House, Senate, or concurrent resolutions, ~~three~~ both of which must be introduced before the ~~ninth~~ twentieth legislative day. ~~The final day for introduction of the fourth House, Senate, or concurrent resolution is prescribed by Joint Rule Chapter 17.~~

MOTION: TO SUSPEND THE RULES TO ALLOW DISCUSSION OF PROPOSED AMENDMENTS TO JOINT RULE 6b-3

Moved by: Bolin
Second by: Langer
Action: Prevailed by Two-Thirds Majority of Members Present (13-1-0-0)

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

Voting No: Gosch

Senator Bolin presented and explained the proposed changes to Joint Rule 6B-3

MOTION: TO ADOPT THE PINK-COLORED VERSION OF THE PROPOSED 2021 LEGISLATIVE SESSION CALENDAR

Moved by: Bolin
Second by: Nesiba
Action: Was not acted on.

MOTION: TO ADOPT PROPOSED CHANGES TO JOINT RULE 6B-3

Moved by: Bolin
Second by: Langer
Action: Failed by Majority Members Elect (7-7-0-0)

Voting Yes: Diedrich, Langer, Bolin, Schoenbeck, Kolbeck, Nesiba, and Lesmeister

Voting No: Qualm, Beal, Gosch, Hansen, Novstrup, Haugaard, and Brock Greenfield

ADOPTION OF 2021 LEGISLATIVE SESSION CALENDAR

Senator Greenfield initially spoke to the seven proposals for the 2021 legislative session calendar. Several members expressed either their preferences or that of their caucuses.

MOTION: SUBSTITUTE MOTION: TO ADOPT THE SALMON COLORED VERSION OF THE 2021 LEGISLATIVE SESSION CALENDAR AMENDED TO ADD FURTHER THE DAYS OF JANUARY 22 AND FEBRUARY 5, 2021

Moved by: Lesmeister
 Second by: Haugaard
 Action: Prevailed by Majority Members Elect (8-5-1-0)

Voting Yes: Qualm, Beal, Gosch, Diedrich, Hansen, Schoenbeck, Haugaard, and Lesmeister

Voting No: Bolin, Novstrup, Kolbeck, Nesiba, and Brock Greenfield

Excused: Langer

MOTION: TO AMEND THE ADOPTED 2021 LEGISLATIVE SESSION CALENDAR TO MAKE THE FIRST CROSSOVER DAY FEBRUARY 25 AND MOVE OTHER DEADLINES RELATED TO FIRST CROSSOVER UP ACCORDINGLY

Moved by: Lesmeister
 Second by: Diedrich
 Action: Prevailed by Majority Members Elect (12-1-1-0)

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

Voting No: Nesiba

Excused: Langer

MOTION: TO AMEND THE ADOPTED 2021 LEGISLATIVE SESSION CALENDAR TO ADD JANUARY 15 AS A LEGISLATIVE DAY

Moved by: Bolin
 Second by: Nesiba
 Action: Prevailed by Majority Members Elect (8-5-1-0)

Voting Yes: Qualm, Diedrich, Bolin, Novstrup, Kolbeck, Nesiba, Haugaard, and Brock Greenfield

Voting No: Beal, Gosch, Hansen, Schoenbeck, and Lesmeister

Excused: Langer

A CHART OF 2021 LEGISLATIVE SESSION CALENDAR DEADLINES AS ADOPTED

CHAPTER 17. LEGISLATIVE DEADLINES

Legislative Deadlines	
Legislative Action	40 Day Session
A. Last day for unlimited introduction of individual bills and joint resolutions ¹	12 th Day
B. Last day for introduction of individual bills and joint resolutions ¹	15 th Day
C. Last day for introduction of committee bills and joint resolutions ¹	16 th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27th - <u>26th</u> Day
E. Last day to move required delivery of bills or joint resolutions by a committee to the house of origin	28th - <u>27th</u> Day
F. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions	29th - <u>28th</u> Day
G. Last day for introduction of commemorations	33 rd Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	From 34 th Day on
I. Last day to move required delivery of bills or joint resolutions by a committee to the second house	35 th Day
J. Last day for a bill or joint resolution to pass both houses	36 th Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40 th Day
¹ Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

96th SOUTH DAKOTA LEGISLATIVE SESSION CALENDAR

2021 ◇ 40 Legislative Days



Please refer to the Joint Rules, Chapter 17 for complete information.

	Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
January 2021						1	2
	3	4	5	6	7	8	9
	10	11	12 Session Opens 12 Noon(CST) <i>State of the State</i> L.D. 1	13 <i>State of the Judiciary</i> L.D. 2	14 <i>State of the Tribes</i> L.D. 3	15	16
	17	18 <i>Martin Luther King Jr. Day</i>	19 Executive orders filed (Constitution, Art. IV, Sec. 8) L.D. 5	20	21 <i>Jt. Memorial Service 3:00pm</i> L.D. 7	22 Concurrent/House/Senate Resolutions limited introduction deadline (J.R. 6B-3) L.D. 8	23
	24	25	26 Bill draft requests submitted to LRC by 5:00pm (for unlimited introduction) L.D. 9	27	28 Last day for unlimited bill & joint resolution introduction (J.R. 6B-3) (TWO HOURS prior to session) L.D. 12	29	30
	31	1 All bill draft requests submitted to LRC by 5:00pm L.D. 13	2 Committee bill and joint resolution requests due to LRC by 5:00pm L.D. 14	3 Last day for introduction of individual bills and joint resolutions (TWO HOURS prior to session) L.D. 15	4 Last day for introduction of committee bills and joint resolutions (TWO HOURS prior to session) <i>Military Dining Out</i> L.D. 16	5	6
February 2021	7	8	9	10	11 Last day for JCA selection of general fund revenue targets (J.R. 7-11.1) L.D. 21	12	13
	14	15 <i>Presidents' Day</i>	16	17	18	19	20
	21	22	23 Last day to use J.R. 5-17 L.D. 25	24 Concurrent resolution requests due to LRC by 5:00pm, and Last day to move required delivery of bills or resolutions by a committee to the house of origin L.D. 26	25 Last day to pass bills or joint resolutions by the house of origin (Crossover Day) L.D. 27	26	27
	28	1 Last day for final introduction of concurrent/House/Senate resolutions L.D. 29	2	3 Last day for JCA to move required delivery of special appropriation bills to house of origin (JR 17-1) L.D. 31	4 Last day for house of origin to pass special appropriation bills (JR 17-1) L.D. 32	5	6
	7	8 Last day for introduction of commemorations	9 J.R. 5-13 in effect	10 Last day to move required delivery of bills or joint resolutions	11 Last day for a bill or joint resolution to pass both houses	12	13

				by a committee to the second house			
	L.D. 33		L.D. 34	L.D. 35	L.D. 36		
14	15	16	17	18	19	20	
	L.D. 37		L.D. 38	L.D. 39			
21	22	23	24	25	26	27	
28	29	30	31	1	2	3	
					Reserved for consideration of gubernatorial vetoes L.D. 40		

MOTION: **ADJOURN**

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

Rena Ortbahn, Committee Secretary

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