



2025 South Dakota Legislature

House Bill 1216

HOUSE STATE AFFAIRS ENGROSSED

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 § 2-7-7 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~~ Keep correct journals of the proceedings of the ~~senate and house~~ Senate and House
7 of Representatives, respectively; ~~to have the~~

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

10 (3) ~~At~~ 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~~ 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 2. 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 3. That § 2-9-2 be AMENDED:**

1 **2-9-2.** ~~The~~There is established the Executive Board of the Legislative Research
 2 Council ~~shall have an executive board, to be known as the Executive Board of the~~
 3 ~~Legislative Research Council, which shall consist~~ consisting of fifteen members, as
 4 follows:~~four~~

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

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

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

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

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

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

24 **2-9-4.** The executive board shall:

25 (1) Instigate research and collect information concerning the government and general
 26 welfare of the state;

27 (2) Investigate and make recommendations concerning important issues of public
 28 policy and questions of statewide interest;

29 (3) Prepare a legislative program in the form of bills, or otherwise, as in its opinion the
 30 welfare of the state may require, to be presented to the Legislature;

31 (4) Cooperate with the administration in devising means of enforcing the law;

32 (5) Study, inquire, make recommendations, and propose bills in any phase or branch
 33 of state government so deemed advisable and necessary;

- 1 (6) Appoint and name committees from the members of the ~~State~~ Legislative Research
2 Council, and assign to ~~such committee or the~~ committees appropriate subjects and
3 projects of whatever character and nature the executive board deems advisable.
4 Each member of the council is entitled to membership on one study committee of
5 the member's choice insofar as practicable;
- 6 (7) Conduct legislative oversight and management analysis of the executive branch of
7 government by means of a selective program of performance auditing and
8 cooperate with the administration in improving the efficiency and effectiveness of
9 administrative methods;
- 10 (8) Review and make recommendations for further legislative action regarding the
11 opinions of state and federal courts which have sought to interpret the intent of
12 South Dakota legislative acts; and
- 13 (9) Allocate funds to the House of Representatives and the Senate to pay for out-of-
14 state travel and salary or per diem costs incurred by members, and to pay for in-
15 state travel and salary or per diem costs incurred by members, excluding costs
16 associated with any legislative session.

17 The Legislative Research Council shall make payments to representatives for costs
18 and travel approved by the speaker of the House of Representatives, from the funds
19 allocated to the House of Representatives, and shall make payments to senators for costs
20 and travel approved by the president pro tempore of the Senate, from the funds allocated
21 to the Senate. Any payment decision of the speaker of the House of Representatives may
22 be appealed to the members of the executive board from the House of Representatives.
23 Any payment decision of the president pro tempore of the Senate may be appealed to the
24 members of the executive board from the Senate. No funds may be paid beyond the
25 amounts allocated to each body.

26 **Section 5. That § 2-9-7 be AMENDED:**

27 **2-9-7.** Claims of members of the ~~State~~ Legislative Research Council and members
28 of the executive board for compensation and expenses ~~shall~~ must be paid out of funds
29 appropriated therefor, and on vouchers approved according to rules determined by the
30 executive board.

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

32 **2-9-9.** There is hereby established within the ~~Office of the State~~ Legislative
33 Research Council the position of code counsel. The executive board ~~of the council~~ shall

Underscores indicate new language.
Overstrikes indicate deleted language.

1 appoint a code counsel who is a graduate of an accredited law school and who is either
2 admitted to the practice of law in ~~the State of South Dakota~~ this state at the time of ~~such~~
3 ~~employment~~ appointment or is eligible to and becomes ~~so~~ admitted within one year after
4 ~~such employment~~ appointment.

5 **Section 7. That § 2-9-10 be AMENDED:**

6 **2-9-10.** The code counsel ~~shall~~ must be provided with offices within or adjacent or
7 ~~as near as may be~~ to the office of the ~~State~~ Legislative Research Council.

8 **Section 8. That § 2-9-13.1 be AMENDED:**

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

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

16 **2-9-14.** The ~~Executive Board of the Legislative Research Council~~ executive board
17 shall administer the program and supervise the college student interns who are assigned
18 to the legislative branch of ~~state~~ government.

19 **Section 10. That § 2-16-5.2 be AMENDED:**

20 **2-16-5.2.** The director of the ~~State~~ Legislative Research Council and the code
21 counsel ~~are hereby charged with the duty of assisting~~ shall assist the Code Commission
22 within ~~such~~ the limitations as it may prescribe and to provide space for its supplies and to
23 make available the facilities of the council for its meetings. The director shall also supervise
24 the secretarial functions of the commission and otherwise assist it to the extent feasible.

25 **Section 11. That § 3-9-5 be AMENDED:**

26 **3-9-5.** Members of the Legislature, and officers of the Legislature who are not
27 members, may incur traveling and personal expenditures outside the boundaries of this
28 state by and with the consent of the speaker of the House of Representatives and the
29 president pro tempore of the Senate when the Legislature is in session, and, when the

1 Legislature is not in session, by and with the written consent of the Executive Board of the
2 State Legislative Research Council.

3 **Section 12. That § 3-9-5.1 be AMENDED:**

4 **3-9-5.1.** Officers and employees of the Department of Legislative Audit and the
5 State Legislative Research Council may incur traveling and personal expenditures outside
6 the boundaries of this state by and with the written consent of the ~~chairman~~ chair of the
7 Executive Board of the State Legislative Research Council.

8 **Section 13. That § 4-2-8 be AMENDED:**

9 **4-2-8.** The Executive Board of the State Legislative Research Council is ~~hereby~~
10 empowered to act on behalf of the Legislature in directing the activities of the
11 auditor-general.

12 **Section 14. That § 2-9-7.1 be REPEALED.**

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

17 **Section 15. That § 2-9-30.1 be REPEALED.**

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