

# **JOURNAL OF THE HOUSE**

## **EIGHTY-SEVENTH SESSION**

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SIXTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, January 20, 2012

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

The prayer was offered by the Chaplain, Sunshine Minzlaff, followed by the Pledge of Allegiance led by House pages Anna Cronin, Larissa Friesen, Anthony Gosch, and Brandon Pennock.

Roll Call: All members present except Reps. Feickert, Feinstein, Iron Cloud III, Schrempp, Steele, and Van Gerpen who were excused.

### **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 fifth day.

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

And we hereby move the adoption of the report.

Respectfully submitted,  
Val Rausch, Chair

Which motion prevailed.



1 On page 2, line 23, delete "as provided in the corporate" and insert "consistent with laws  
2 enacted by".

3 On page 2, line 24, delete "articles and bylaws" and insert "the Legislature".

4 And that as so amended said resolution do pass.

5 Respectfully submitted,  
6 David Lust, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to transmit herewith SB 2, 7, 12, 18, 26, 27, 28, and 53 which have passed  
10 the Senate and your favorable consideration is respectfully requested.

11 Respectfully,  
12 Fee Jacobsen, Secretary

13 **MOTIONS AND RESOLUTIONS**

14 HOUSE PAGE RESOLUTION 1 Introduced by: Representatives Abdallah; Blake;  
15 Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;  
16 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen, Jon; Hawley; Hickey;  
17 Hoffman; Hubbel; Hunhoff, Bernie; Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;  
18 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson,  
19 Stace; Novstrup, David; Olson, Betty; Perry; Rausch; Romkema; Rozum; Russell; Schaefer;  
20 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;  
21 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer

22 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives  
23 of the Eighty-seventh Legislature of the State of South Dakota to Kyle Cosman, Anna  
24 Cronin, Larissa Friesen, Anthony Gosch, Leah Herman, Preston Liedtke, Matthew Mielke,  
25 Samantha Neumann, Brandon Pennock, Meredith Powers, Danae Schaefers, Andie Shuck,  
26 Timothy Sternhagen.

27 WHEREAS, the above named served loyally as pages for the House of Representatives  
28 of the Eighty-seventh Legislative Session; and

29 WHEREAS, the members of the Eighty-seventh House of Representatives express their  
30 most sincere appreciation to these young people for their service to the state; and

1 WHEREAS, the members extend to these young people their wishes for every success in  
2 life:

3 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
4 seventh Legislature of the State of South Dakota, that a personal copy of this resolution be duly  
5 certified and furnished to each page on this last day of service.

6 Rep. Moser moved that House Page Resolution 1 be adopted.

7 Which motion prevailed and the resolution was adopted.

8 HCR 1001 Introduced by: Representatives Gibson, Fargen, Kirkeby, Perry, Romkema,  
9 Turbiville, and Wismer and Senators Buhl, Frerichs, Maher, and Peters

10 A CONCURRENT RESOLUTION, Recognizing the week of January 22, 2012, through  
11 January 28, 2012, as Reproductive Rights Awareness Week.

12 WHEREAS, women comprise more than half of the population of the United States of  
13 America and are solely responsible for childbearing; and

14 WHEREAS, women who plan their pregnancies are more likely to seek prenatal care,  
15 improving their own health and the health of their children; and

16 WHEREAS, the United States of America ranks thirtieth in the world in its rate of maternal  
17 mortality and has one of the highest rates of maternal mortality among all developed nations;  
18 and

19 WHEREAS, family planning services improve health care outcomes and wellness for  
20 women and families, access to family planning is directly linked to declines in maternal and  
21 infant mortality rates, and women who do not receive prenatal care are three to four times more  
22 likely to die after a live birth than are women who have received even minimal prenatal care;  
23 and

24 WHEREAS, contraception enables women to better prevent unintended pregnancies and  
25 plan for pregnancy when they do want to have a child, and publicly funded contraceptive  
26 services and supplies prevent nearly two million unintended pregnancies each year in the United  
27 States; and

28 WHEREAS, nearly half of all unintended pregnancies end in abortion and abortion rates  
29 in the United States of America increase during times when contraception is less accessible to  
30 low income women; and

31 WHEREAS, the United States of America has one of the highest rates of unintended  
32 pregnancy among the world's developed nations, half of all the pregnancies in the United States  
33 are unintended, and half of unintended pregnancies occur in women who are not using  
34 contraceptives; and

1 WHEREAS, in addition to the primary purpose of allowing women to plan and prepare for  
2 pregnancy, other health benefits of contraception include reduced risk of endometrial and  
3 ovarian cancers, ectopic pregnancy, iron deficiency anemia related to heavy menstruation,  
4 osteoporosis, ovarian cysts, and pelvic inflammatory disease; and

5 WHEREAS, racial and ethnic health disparities are particularly pronounced in reproductive  
6 health - including disparities in rates of contraception usage, unintended pregnancies, maternal  
7 mortality, and sexually transmitted infections - and these disparities reveal significant barriers  
8 to access to sexual health care, including contraception, medical care, and medically accurate  
9 sexuality education; and

10 WHEREAS, a majority of American voters believe that matters related to women's  
11 reproductive rights, including contraception and abortion, are personal issues that should be  
12 decided by women with their families, health care providers and/or clergy members:

13 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
14 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the week  
15 of January 22-28, 2012, be recognized as Reproductive Rights Awareness Week, to encourage  
16 public awareness, conversation, and support for reproductive rights and justice nationwide.

17 Was read the first time and the Speaker waived the committee referral.

## 18 **CONSIDERATION OF REPORTS OF COMMITTEES**

19 Rep. Lust moved that the reports of the Standing Committees on  
20 Judiciary on HB 1021 as found on page 50 of the House Journal; also  
21 Transportation on HB 1031 as found on page 51 of the House Journal be adopted.  
22 Which motion prevailed.

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

24 HB 1074 Introduced by: Representatives Dennert, Cronin, Feickert, Hoffman, Kirschman,  
25 Kloucek, Olson (Betty), Schaefer, and Wink and Senators Cutler, Brown, and Frerichs

26 FOR AN ACT ENTITLED, An Act to exempt certain counties from restrictions relating  
27 to the taking of muskrat.

28 Was read the first time and referred to the Committee on Agriculture and Natural  
29 Resources.

1 HB 1075 Introduced by: Representatives Conzet, Feinstein, Hansen (Jon), Hawley,  
2 Kirkeby, Lust, Moser, Rausch, Sly, Solum, Verchio, and Willadsen and Senators Rave, Cutler,  
3 Kraus, Maher, and Rhoden

4 FOR AN ACT ENTITLED, An Act to allow certain property tax documents to be  
5 transmitted electronically.

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

7 HB 1076 Introduced by: Representatives Dryden, Kirkeby, and Schrempp and Senators  
8 Tieszen, Bradford, Haverly, and Kraus

9 FOR AN ACT ENTITLED, An Act to retain certain members of municipal governing  
10 bodies in office following the redistricting of municipal wards.

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

12 HB 1077 Introduced by: Representatives Dryden, Bolin, Conzet, Cronin, Kirkeby,  
13 Munsterman, Scott, and White and Senators Rampelberg, Haverly, Juhnke, Schlekeway, and  
14 Tieszen

15 FOR AN ACT ENTITLED, An Act to authorize municipalities to establish incidental  
16 accounts.

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

18 HB 1078 Introduced by: Representatives Dennert, Cronin, Hoffman, Schaefer, and  
19 Sigdestad and Senators Hundstad, Begalka, Putnam, and Rhoden

20 FOR AN ACT ENTITLED, An Act to allow certain structures or facilities previously used  
21 as an elevator to be classified as agricultural property.

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

23 HB 1079 Introduced by: Representatives Kirkeby, Schrempp, and Turbiville and Senators  
24 Nelson (Tom) and Bradford

25 FOR AN ACT ENTITLED, An Act to revise certain publication date citations for  
26 references to the International Building Code.

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

1 HB 1080 Introduced by: Representatives Olson (Betty), Jensen, Russell, and Venner and  
2 Senators Maher, Rhoden, and Sutton

3 FOR AN ACT ENTITLED, An Act to waive certain licensure requirements to hunt fox  
4 and coyote with firearms.

5 Was read the first time and referred to the Committee on Agriculture and Natural  
6 Resources.

7 HB 1081 Introduced by: Representatives Olson (Betty), Greenfield, Hubbel, Jensen, Jones,  
8 Kopp, Russell, and Venner and Senators Rhoden, Maher, and Sutton

9 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the killing of  
10 any mountain lion to protect human life, livestock, or pets.

11 Was read the first time and referred to the Committee on Agriculture and Natural  
12 Resources.

13 HB 1082 Introduced by: Representatives Olson (Betty), Greenfield, Hubbel, Jensen, Jones,  
14 Kopp, Russell, and Venner and Senators Maher and Sutton

15 FOR AN ACT ENTITLED, An Act to provide certain exceptions to Department of Game,  
16 Fish and Parks promulgated rules pertaining to the taking of mountain lions.

17 Was read the first time and referred to the Committee on Agriculture and Natural  
18 Resources.

19 HB 1083 Introduced by: Representatives Olson (Betty), Jensen, Kirkeby, Kopp, Lucas,  
20 Russell, Venner, and Verchio and Senator Maher

21 FOR AN ACT ENTITLED, An Act to to provide for term limits for brand board service.

22 Was read the first time and referred to the Committee on Agriculture and Natural  
23 Resources.

24 HB 1084 Introduced by: Representatives Olson (Betty), Jensen, Kirkeby, Kopp, Lucas,  
25 Venner, and Verchio and Senator Maher

26 FOR AN ACT ENTITLED, An Act to revise the political qualifications for brand board  
27 membership.

28 Was read the first time and referred to the Committee on Agriculture and Natural  
29 Resources.

1 HB 1085 Introduced by: Representatives Olson (Betty), Jensen, Kirkeby, Kopp, Lucas,  
2 Russell, Venner, and Verchio and Senator Maher

3 FOR AN ACT ENTITLED, An Act to revise the residency requirements of the brand  
4 board membership.

5 Was read the first time and referred to the Committee on Agriculture and Natural  
6 Resources.

7 HB 1086 Introduced by: Representatives Olson (Betty), Conzet, Greenfield, Haggar,  
8 Hubbel, Jensen, Kirkeby, Kopp, Liss, Magstadt, and Russell and Senators Cutler and Peters

9 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to establishing  
10 identity by applicants for certain licenses, permits, and identification cards.

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

12 HB 1087 Introduced by: Representatives Olson (Betty), Kopp, Russell, Venner, and  
13 Verchio and Senators Begalka, Juhnke, Maher, Novstrup (Al), Rhoden, and Sutton

14 FOR AN ACT ENTITLED, An Act to limit the terms of certain conservation easements.

15 Was read the first time and referred to the Committee on Agriculture and Natural  
16 Resources.

17 HB 1088 Introduced by: Representatives Street, Bolin, Deelstra, and Rausch and Senators  
18 Krebs, Frerichs, and Nelson (Tom)

19 FOR AN ACT ENTITLED, An Act to revise certain requirements for charging and  
20 collecting certain fees for confining certain people in the county jail.

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

22 HB 1089 Introduced by: Representative Fargen and Senator Frerichs

23 FOR AN ACT ENTITLED, An Act to restrict certain state purchases of gasoline to ethanol  
24 blends.

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

1 HB 1090 Introduced by: Representatives Hoffman, Brunner, Cronin, and Dennert and  
2 Senators Begalka and Rhoden

3 FOR AN ACT ENTITLED, An Act to provide for the issuance of deer hunting licenses  
4 to certain landowners for use by family members.

5 Was read the first time and referred to the Committee on Agriculture and Natural  
6 Resources.

7 HB 1091 Introduced by: Representatives Hoffman, Deelstra, Dennert, Greenfield, Moser,  
8 Olson (Betty), Schaefer, and Turbiville and Senators Nygaard, Brown, Hundstad, and Maher

9 FOR AN ACT ENTITLED, An Act to revise the issuance of temporary nonresident  
10 waterfowl licenses.

11 Was read the first time and referred to the Committee on Agriculture and Natural  
12 Resources.

13 HB 1092 Introduced by: Representatives Hoffman, Cronin, Dennert, Greenfield, Hansen  
14 (Jon), and Turbiville and Senators Nygaard and Hundstad

15 FOR AN ACT ENTITLED, An Act to authorize the sale of nonresident duck hunting  
16 licenses in certain counties.

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

18 HB 1093 Introduced by: Representatives Lust, Cronin, Gosch, Rausch, and Wink and  
19 Senators Olson (Russell) and Brown

20 FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the general  
21 fund of school districts.

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

23 HB 1094 Introduced by: Representatives Hunt, Abdallah, Feinstein, and Gosch and  
24 Senators Schlekeway, Krebs, and Nygaard

25 FOR AN ACT ENTITLED, An Act to require the filing of certain documents relating to  
26 the vacation, location, or changing of highways with the register of deeds.

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

1 HB 1095 Introduced by: Representatives Hunt, Abdallah, Feinstein, and Gosch and  
2 Senators Cutler and Nygaard

3 FOR AN ACT ENTITLED, An Act to revise the procedure for the discharge of civil  
4 judgments against a person who has received a discharge of debt pursuant to the United States  
5 Code, Title 11.

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

7 HB 1096 Introduced by: Representatives Hunt, Abdallah, Deelstra, Feinstein, Kirkeby,  
8 Novstrup (David), Perry, and Solum and Senators Cutler, Buhl, Frerichs, and Peters

9 FOR AN ACT ENTITLED, An Act to specify the venue for certain appeals involving  
10 home-rule municipalities.

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

12 HB 1097 Introduced by: Representatives Novstrup (David), Hawley, Hoffman, Kirkeby,  
13 Kirschman, and Solum and Senators Johnston, Krebs, Rampelberg, and Sutton

14 FOR AN ACT ENTITLED, An Act to revise certain provisions regulating the investment  
15 of unneeded state operating expenses in banks.

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

17 HB 1098 Introduced by: Representatives Stricherz, Jones, Kloucek, Lucas, and Moser and  
18 Senators Bradford, Begalka, and Buhl

19 FOR AN ACT ENTITLED, An Act to repeal certain provisions providing for the tolling  
20 of administrative rules dealing with underground injection control Class III wells and in situ  
21 leach mining relating to uranium.

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

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

24 SB 2: FOR AN ACT ENTITLED, An Act to repeal and to make style and form revisions  
25 to certain provisions related to the Department of Human Services.

26 Was read the first time and referred to the Committee on Health and Human Services.

1 SB 7: FOR AN ACT ENTITLED, An Act to repeal certain provisions allowing for the  
2 certification of technology parks and to allow public or private developers to apply for  
3 certification.

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

5 SB 12: FOR AN ACT ENTITLED, An Act to codify the legislation enacted in 2011.

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

7 SB 18: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
8 references to the Internal Revenue Code.

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

10 SB 26: FOR AN ACT ENTITLED, An Act to revise certain requirements pertaining to  
11 earnest money paid in a cooperative or cobrokerage real estate transaction.

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

13 SB 27: FOR AN ACT ENTITLED, An Act to revise disciplinary action remedies of the  
14 Cosmetology Commission.

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

16 SB 28: FOR AN ACT ENTITLED, An Act to revise provisions regarding the renewal  
17 process for certain third party insurance administrators.

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

19 SB 53: FOR AN ACT ENTITLED, An Act to permit the Department of Public Safety to  
20 require certain accident reports to be filed by electronic means.

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

22 There being no objection, the House reverted to Order of Business No. 5.

1

**REPORTS OF STANDING COMMITTEES**

2 MR. SPEAKER:

3 The Committee on Judiciary respectfully reports that it has had under consideration  
4 HB 1050 and 1052 and returns the same with the recommendation that said bills do pass.

5 Also MR. SPEAKER:

6 The Committee on Judiciary respectfully reports that it has had under consideration  
7 HB 1047 and 1049 and returns the same with the recommendation that said bills do pass and  
8 be placed on the consent calendar.

9 Also MR. SPEAKER:

10 The Committee on Judiciary respectfully reports that it has had under consideration  
11 HB 1046 and returns the same with the recommendation that said bill be amended as follows:

12 1046oa

13 On page 2 of the printed bill, delete line 13, and insert "change physical custody. ~~However,~~  
14 ~~the best interests of the child shall be determinative~~ Any".

15 On page 2, line 16, after "deployment" insert ". However, if a material change in  
16 circumstances affects the servicemember's ability to care for the child, the best interests of the  
17 child shall be determinative".

18 And that as so amended said bill do pass.

19

Respectfully submitted,

20

Roger W. Hunt, Chair

21

**SECOND READING OF CONSENT CALENDAR ITEMS**

22 Rep. Kloucek requested that HB 1012 be removed from the Consent Calendar.

23 Which request was granted.

1 HB 1001: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
2 sales and use tax.

3 Was read the second time.

4 The question being "Shall HB 1001 pass?"

5 And the roll being called:

6 Yeas 64, Nays 0, Excused 6, Absent 0

7 Yeas:

8 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
9 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
10 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;  
11 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
12 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott;  
13 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner;  
14 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Excused:

16 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

19 HB 1019: FOR AN ACT ENTITLED, An Act to revise the license fee for snowmobiles  
20 and to revise the period of such license.

21 Was read the second time.

22 The question being "Shall HB 1019 pass?"

23 And the roll being called:

24 Yeas 64, Nays 0, Excused 6, Absent 0

25 Yeas:

26 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
27 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
28 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;  
29 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
30 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott;  
31 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner;  
32 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1 Excused:  
2 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

5 HB 1032: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the  
6 temporary permit for a specialty license plate with an organization or first responder decal.

7 Was read the second time.

8 The question being "Shall HB 1032 pass?"

9 And the roll being called:

10 Yeas 64, Nays 0, Excused 6, Absent 0

11 Yeas:

12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
13 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
14 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;  
15 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
16 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott;  
17 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner;  
18 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

19 Excused:  
20 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

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

24 HB 1014: FOR AN ACT ENTITLED, An Act to prohibit false statements on applications  
25 for certain loans, grants, or other financial assistance and to provide a penalty therefor.

26 Was read the second time.

27 The question being "Shall HB 1014 pass?"

28 And the roll being called:

29 Yeas 61, Nays 3, Excused 6, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Elliott; Fargen; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;  
4 Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp;  
5 Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David);  
6 Olson (Betty); Perry; Romkema; Rozum; Schaefer; Scott; Sigdestad; Sly; Solum; Street;  
7 Stricherz; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;  
8 Wismer; Speaker Rausch

9 Nays:

10 Greenfield; Russell; Tornow

11 Excused:

12 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

15 HB 1022: FOR AN ACT ENTITLED, An Act to revise certain parole hearing provisions  
16 regarding inmate compliance, waivers, and teleconferencing.

17 Was read the second time.

18 The question being "Shall HB 1022 pass?"

19 And the roll being called:

20 Yeas 62, Nays 2, Excused 6, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
23 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
24 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;  
25 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
26 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Scott; Sigdestad; Sly;  
27 Solum; Street; Stricherz; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick;  
28 Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Russell; Tornow

31 Excused:

32 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

1 HB 1023: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions  
2 relating to the Department of Corrections.

3 Was read the second time.

4 The question being "Shall HB 1023 pass?"

5 And the roll being called:

6 Yeas 64, Nays 0, Excused 6, Absent 0

7 Yeas:

8 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
9 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
10 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;  
11 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
12 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott;  
13 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner;  
14 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Excused:

16 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

19 HB 1025: FOR AN ACT ENTITLED, An Act to make aggravated incest a violent crime  
20 for purposes of setting an initial parole date.

21 Was read the second time.

22 The question being "Shall HB 1025 pass?"

23 And the roll being called:

24 Yeas 64, Nays 0, Excused 6, Absent 0

25 Yeas:

26 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
27 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
28 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman;  
29 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);  
30 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott;  
31 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner;  
32 Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1 Excused:  
2 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

5 HB 1039: FOR AN ACT ENTITLED, An Act to exempt certain impaired driving  
6 violations from the statutory limitation on enhanced penalties for second, third, or subsequent  
7 violations.

8 Was read the second time.

9 1039ra

10 Rep. Tornow moved that HB 1039 be amended as follows:

11 On page 1, after line 8 of the printed bill, insert:

12 " Any enhanced penalties imposed for offenses pursuant to the provisions of chapter 32-23  
13 shall be appropriately adjusted if a prior conviction is subsequently modified or reversed."

14 Rep. Hansen requested that Joint Rule 5-17 be invoked on HB 1039.

15 Which request was supported and HB 1039 with Rep. Tornow's pending motion to amend  
16 was deferred until Tuesday, January 24, the 8<sup>th</sup> legislative day.

17 HB 1003: FOR AN ACT ENTITLED, An Act to revise the limitation on the increases and  
18 decreases that may be made to the total taxable value of cropland and noncropland.

19 Was read the second time.

20 The question being "Shall HB 1003 pass?"

21 And the roll being called:

22 Yeas 56, Nays 8, Excused 6, Absent 0

23 Yeas:

24 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Deelstra; Dennert; Dryden;  
25 Elliott; Fargen; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;  
26 Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Lucas;  
27 Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Olson (Betty); Perry; Romkema;  
28 Rozum; Schaefer; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville;  
29 Vanneman; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1 Nays:

2 Cronin; Hubbel; Liss; Lust; Novstrup (David); Russell; Venner; Verchio

3 Excused:

4 Feickert; Feinstein; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

7 HB 1011: FOR AN ACT ENTITLED, An Act to revise the definition of domestic use of  
8 water.

9 Was read the second time.

10 The question being "Shall HB 1011 pass?"

11 And the roll being called:

12 Yeas 62, Nays 1, Excused 7, Absent 0

13 Yeas:

14 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
15 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Hansen (Jon); Hawley; Hickey; Hoffman;  
16 Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss;  
17 Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson  
18 (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Street;  
19 Stricherz; Tornow; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen;  
20 Wink; Wismer; Speaker Rausch

21 Nays:

22 Hubbel

23 Excused:

24 Feickert; Feinstein; Haggar; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

27 HB 1013: FOR AN ACT ENTITLED, An Act to repeal certain obsolete statutes regarding  
28 the Department of Environment and Natural Resources.

29 Was read the second time.

30 The question being "Shall HB 1013 pass?"

31 And the roll being called:

1 Yeas 60, Nays 3, Excused 7, Absent 0

2 Yeas:

3 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
4 Dryden; Elliott; Fargen; Gibson; Gosch; Greenfield; Hansen (Jon); Hawley; Hickey; Hoffman;  
5 Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss;  
6 Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson  
7 (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Stricherz;  
8 Tornow; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;  
9 Speaker Rausch

10 Nays:

11 Hubbel; Street; Wismer

12 Excused:

13 Feickert; Feinstein; Haggart; Iron Cloud III; Schrempp; Steele; Van Gerpen

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

16 **COMMEMORATIONS**

17 HC 1004 Introduced by: Representatives Blake, Abdallah, Boomgarden, Brunner, Deelstra,  
18 Dennert, Elliott, Fargen, Feickert, Feinstein, Gibson, Gosch, Hawley, Hunhoff (Bernie), Jones,  
19 Killer, Kirschman, Kloucek, Lucas, Magstadt, Munsterman, Perry, Rausch, Rozum, Schrempp,  
20 Sigdestad, Sly, Street, Turbiville, and Wismer and Senators Schlekeway, Buhl, Frerichs,  
21 Heineman, Hundstad, Johnston, Maher, Tidemann, Tieszen, and Vehle

22 A LEGISLATIVE COMMEMORATION, Thanking and commending the Teach for America  
23 corps members who live and teach in South Dakota for their tremendous efforts in working  
24 to ensure that every child growing up in poverty receives an excellent education.

25 WHEREAS, Teach for America consists of a corps of outstanding recent college graduates  
26 who commit to teach for at least two years in urban and rural public schools and become  
27 lifelong leaders in expanding educational opportunity; and

28 WHEREAS, Teach for America, celebrating its twentieth anniversary this year, placed more  
29 than eight thousand corps members in thirty-nine regions across the country this fall; and

30 WHEREAS, in 2004, Teach for America came to South Dakota for the first time and placed  
31 seventeen corps members in the state, and that number had grown to nearly seventy in 2011;  
32 and

33 WHEREAS, the Teach for America corps members in South Dakota work tirelessly to  
34 unleash the potential in more than two thousand students in the state's poorest communities, and  
35 many of the corps members both live and work on South Dakota reservations where they strive

1 to close the achievement gap between Lakota students and their non-Native peers and have an  
2 impact on their students reaching far beyond the classroom; and

3 WHEREAS, recent studies have shown that Teach for America corps members have a track  
4 record of achieving exceptional results in the content areas and grade levels in which they teach,  
5 especially in the areas of math and science; and

6 WHEREAS, by 2015, Teach for America hopes to expand its impact in South Dakota by  
7 reaching at least one-half of all the Native American students living in the state and two-thirds  
8 of the Native American students living on the state's reservations:

9 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of  
10 the State of South Dakota, that the South Dakota Legislature thanks and commends the Teach  
11 for America corps members teaching in South Dakota for their tremendous efforts in working  
12 to ensure that every child who grows up in poverty receives an excellent education.

13 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at  
14 3:09 p.m. the House adjourned.

15

Karen Gerdes, Chief Clerk

1 Pursuant to the Joint-Select Committee Report found on pages 42 and 43 of the House  
2 Journal, the following are the Senate Rules, the House Rules, and the Joint Rules of the Eighty-  
3 seventh Legislative Session:

4 **SENATE RULES**  
5 **Table of Contents**

6 **CHAPTER 1. PRESIDING OFFICER**

7 **CHAPTER 2. FLOOR PRIVILEGES, SEATING, AND MEETINGS**

8 **CHAPTER 3. OFFICERS AND EMPLOYEES**

9 **CHAPTER 4. COMMITTEES**

10 **CHAPTER 5. RULES**

11 **CHAPTER 6. CONSENT CALENDAR**

12 **CHAPTER 7. NOMINATIONS FROM THE GOVERNOR**

13 **CHAPTER 8. DISCIPLINE AND EXPULSION OF MEMBERS**

14 **CHAPTER 1. 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*  
18 *HAVE NO VOTE UNLESS THE SENATORS BE EQUALLY DIVIDED.*

19 **RULES**

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

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

29 **CHAPTER 2. FLOOR PRIVILEGES, SEATING, AND MEETINGS**

30 **S2-1. Repealed.**

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

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

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

9

### CHAPTER 3. OFFICERS AND EMPLOYEES

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

15

### CHAPTER 4. COMMITTEES

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

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

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

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

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

1

**CHAPTER 5. RULES**

2 **S5-1. Adoption, suspension, or amendment of rules.** A motion to adopt the rules of the  
3 Senate shall be decided by a majority of the members-elect, subject to debate. A motion to  
4 suspend or amend a rule of the Senate shall be decided by a two-thirds majority of the  
5 members-elect, subject to debate.

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

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

10

**CHAPTER 6. CONSENT CALENDAR**

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

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

21

**CHAPTER 7. 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  
24 the 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  
26 full Senate its recommendation that the nomination should or should not receive the consent of  
27 the Senate. Following the committee report, action on the confirmation shall be set for a day  
28 certain on the legislative calendar. In committee and on the floor, consideration of the  
29 Governor's appointments that require Senate confirmation shall take place in open session  
30 unless otherwise 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 be  
32 taken until the second legislative day after receiving the nomination. This rule does not apply  
33 to a nomination received during the three final legislative days.

34 **S7-2.1. Uncontested nomination on consent calendar.** Each standing committee may report  
35 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.

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

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

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

9 **S7-6. Written notice of final action.** Upon final action, the secretary of the Senate shall notify  
10 the Governor and the secretary of state in writing of the action of the body.

## 11 **CHAPTER 8. DISCIPLINE AND EXPULSION OF MEMBERS**

12 **S8-1. Select Committee on Discipline and Expulsion.** Any two senators may by written  
13 motion first delivered to the President Pro Tempore move for the establishment of a Select  
14 Committee on Discipline and Expulsion to investigate the conduct of any other senator.  
15 Upon being seconded, the motion is debatable, and passage of the motion requires a  
16 majority vote of the members elect. The Select Committee on Discipline and Expulsion  
17 shall be composed of nine members of the Senate. The chair and vice chair of the select  
18 committee shall be chosen by the President Pro Tempore and may not both be members of  
19 the same political party. The other seven members of the select committee shall be chosen  
20 by the President Pro Tempore in consultation with the majority leader and the minority  
21 leader. No more than five members may be of the same political party.

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

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

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

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

35 "I do solemnly swear (affirm) that in all things appertaining to the matter referred to this  
36 select committee, I will do impartial justice according to the Constitution, laws, Joint Rules,  
37 and Senate Rules of the State of South Dakota. I do solemnly swear that I will faithfully and  
38 impartially discharge and perform all the duties incumbent upon me as a member of the

1 Senate Select Committee on Discipline and Expulsion in the aforesaid matter, according to  
2 the best of my ability and understanding, so help me God."

3 **S8-4. Procedure in committee.**

4 The Select Committee on Discipline and Expulsion shall:

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

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

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

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

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

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

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

29 **S8-6. Receipt of resignation; authority of the chair.** If, prior to resolution of the  
30 investigation, a written resignation signed by the senator who is the subject of the  
31 investigation has been received by the chair, the chair may terminate the meetings of the  
32 select committee.

33 **S8-7. Select committee report.** Any action to expel, censure, discipline, or exonerate a  
34 senator shall be proposed in a select committee report of the Select Committee on Discipline  
35 and Expulsion. If the select committee report calls for expulsion, censure, or discipline, the  
36 report shall set forth the causes and grounds for which expulsion, censure, or discipline is  
37 being recommended by the Senate, and it shall state the particular form of action

1 recommended to the Senate. If the select committee report calls for exoneration, the report  
2 shall set forth the reasons why exoneration is appropriate.

3 **S8-8. Procedure in the Senate.** Adoption of a select committee report for the expulsion of a  
4 senator requires the favorable vote of a two-thirds majority of the elected members.  
5 Adoption of a select committee report for the censure or discipline of a senator requires the  
6 favorable vote of a three-fifths majority of the elected members. Adoption of a select  
7 committee report for the exoneration of a senator requires the favorable vote of a majority of  
8 the elected members.

9 **HOUSE RULES**  
10 **Table of Contents**

11 **CHAPTER 1. PRESIDING OFFICER**  
12 **CHAPTER 2. DECORUM**  
13 **CHAPTER 3. COMMITTEES**  
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16 **CHAPTER 6. DISCIPLINE AND EXPULSION OF MEMBERS**  
17 **CHAPTER 7. CONSENT CALENDAR**

18 **CHAPTER 1. PRESIDING OFFICER**

19 **STATUTORY PROVISIONS**

20 **§ 2-5-3. Elective officers of house.**

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

24 **§ 2-5-3.1. Tie vote for organizing House of Representatives.**

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

29 **RULES**

30 **H1-1. Elective officers, employees.** The officers of the House of Representatives are a  
31 speaker, a speaker pro tempore, a chief clerk and such other officers necessary to conduct  
32 the business of the House, who shall be formally elected by a majority vote of the members-  
33 elect of the House. Employees necessary to conduct the business of the House shall be  
34 appointed and announced by the speaker.

35 **H1-2. Actions of the speaker pro tempore, other presiding officers.** The speaker pro  
36 tempore shall act as presiding officer of the House of Representatives if the speaker is

1 absent or unable to serve. The acts of the speaker pro tempore have the same validity as  
2 those of the speaker. If the speaker and the speaker pro tempore are absent or unable to  
3 serve, any member called to the chair by the House of Representatives may serve as  
4 presiding officer. When in session, the presiding officer, in the absence of the pro tempore,  
5 may designate any member to perform the duties of the presiding officer, but the  
6 designation may not extend beyond an adjournment. The member's actions have the same  
7 validity as those of the speaker.

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

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

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

## 16 **CHAPTER 2. DECORUM**

17 **H2-1. Repealed.**

18 **H2-2. Repealed.**

19 **H2-3. Repealed.**

## 20 **CHAPTER 3. COMMITTEES**

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

- 25 1. Agriculture and Natural Resources (13)
- 26 2. Appropriations (9)
- 27 3. Commerce and Energy (13)
- 28 4. Education (15)
- 29 5. Government Operations and Audit (5)
- 30 6. Health and Human Services (13)
- 31 7. Judiciary (13)
- 32 8. Legislative Procedure (7)
- 33 9. Local Government (13)
- 34 10. Retirement Laws (5)
- 35 11. State Affairs (13)
- 36 12. Taxation (15)
- 37 13. Transportation (13)

1 In the absence of the committee chair, the vice chair shall act as chair. The speaker and  
2 speaker pro tempore are members of the legislative procedure committee, and the speaker  
3 shall serve as chair of the legislative procedure committee.

#### 4 CHAPTER 4. RULES

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

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

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

#### 14 CHAPTER 5. VOTING PROCEDURE

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

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

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

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

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

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

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

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

20 **H5-8. Members to vote electronically from their desks, exceptions.** A member may vote  
21 on the electronic voting system only when at the member's desk. However, the presiding  
22 officer may authorize the chief clerk to call the names of members who are on the floor but  
23 not at their desks at the time of a vote and to record the votes of such members on the  
24 electronic voting system. If a member other than the speaker of the House is presiding, the  
25 chief clerk shall switch the voting system to allow the designated member presiding to vote  
26 in the presiding officer's station.

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

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

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

1

**CHAPTER 6. DISCIPLINE AND EXPULSION OF MEMBERS**

2 **H6-1. Select Committee on Discipline and Expulsion.** Any two representatives may by  
3 written motion first delivered to the Speaker move for the establishment of a Select  
4 Committee on Discipline and Expulsion to investigate the conduct of any other  
5 representative. Upon being seconded, the motion is debatable, and passage of the motion  
6 requires a majority vote of the members-elect. The Select Committee on Discipline and  
7 Expulsion shall be composed of nine members of the House of Representatives. The chair  
8 and vice chair of the select committee shall be chosen by the Speaker of the House and may  
9 not both be members of the same political party. The other seven members of the select  
10 committee shall be chosen by the Speaker of the House in consultation with the majority  
11 leader and the minority leader. No more than five members may be of the same political  
12 party.

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

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

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

25 **H6-3. Oath.** Prior to consideration of any matter referred to it, except establishing a  
26 quorum, the members of the select committee shall subscribe to the following oath, which  
27 shall be administered by the Chief Clerk of the House of Representatives:

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,  
30 and House Rules of the State of South Dakota. I do solemnly swear that I will faithfully and  
31 impartially discharge and perform all the duties incumbent upon me as a member of the  
32 House Select Committee on Discipline and Expulsion in the aforesaid matter, according to  
33 the best of my ability and understanding, so help me God."

34 **H6-4. Procedure in committee.**

35 The Select Committee on Discipline and Expulsion shall:

36 (1) Conduct all hearings in like manner to any other House of Representatives  
37 committee meeting, and only after informing the member who is the subject of the  
38 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 expense;

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

7 (4) Advise the member immediately of the date and time of each meeting, in cases  
8 where the committee adjourns prior to completing its work and submitting its report to  
9 the House of Representatives.

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

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

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

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

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

1 **CHAPTER 7. CONSENT CALENDAR**

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

6 **H7-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-4,  
7 after allowing a reasonable time for questions from the floor on the bills and resolutions on  
8 the consent calendar and after permitting the proponents to answer the questions, the  
9 Speaker of the House shall call for a vote on the consent calendar. Approval of the consent  
10 calendar by a majority of the members-elect of the House is considered final disposition of  
11 all the bills and resolutions on the consent calendar.

12 **JOINT RULES**  
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1                   **CHAPTER 1. PRESIDING OFFICER - ORDER AND DEBATE**

2                                   **CONSTITUTIONAL PROVISIONS**

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

4    *THE PRESIDING OFFICER OF EACH HOUSE SHALL, IN THE PRESENCE OF THE*  
5    *HOUSE OVER WHICH HE PRESIDES, SIGN ALL BILLS AND JOINT RESOLUTIONS*  
6    *PASSED BY THE LEGISLATURE, AFTER THEIR TITLES HAVE BEEN PUBLICLY READ*  
7    *IMMEDIATELY BEFORE SIGNING, AND THE FACT OF SIGNING SHALL BE ENTERED*  
8    *UPON THE JOURNAL.*

9                                   **STATUTORY PROVISIONS**

10   ***§ 2-4-9. Disturbance or disorderly conduct in Legislature as misdemeanor.***

11    *Every person who intentionally disturbs the Legislature of this state, or either of the*  
12    *branches composing it, while in session, or who commits any disorderly conduct in the*  
13    *immediate view and presence of either branch of the Legislature tending to interrupt its*  
14    *proceedings or impair the respect due to its authority, is guilty of a Class 2 misdemeanor.*

15   ***§ 2-4-14. Contempt of Legislature--Punishment.***

16    *The Senate or the House of Representatives may punish, as a contempt, by imprisonment, a*  
17    *breach of its privileges or the privileges of its members; but only for one or more of the*  
18    *following offenses:*

19           (1) *Knowingly arresting a member or officer of the Senate or the House of*  
20            *Representatives, or procuring such member or officer to be arrested in violation of his*  
21            *privilege from arrest;*

22           (2) *Disorderly conduct in the immediate view of the Senate or the House of*  
23            *Representatives, and directly tending to interrupt its proceedings;*

24           (3) *Refusing to be examined as a witness either before the Senate or the House of*  
25            *Representatives, or a committee thereof, or before any person authorized to take*  
26            *testimony in legislative proceedings;*

27           (4) *Giving or offering a bribe to a member, or attempting, by menace or other corrupt*  
28            *means or device, directly or indirectly, to control or influence a member in giving his*  
29            *vote, or to prevent his giving the same;*

30    *but the term of imprisonment which the Senate or House of Representatives may impose for*  
31    *any contempt specified in this section shall not extend beyond the session of the Legislature.*

1 **§ 2-7-22. Forfeiture of office on conviction of legislator--Disqualification from public**  
2 **office.**

3 *The conviction of a member of the Legislature of any crime defined in § 22-12A-17 or § 22-*  
4 *12A-18 involves as a consequence, in addition to the punishment prescribed therein, a*  
5 *forfeiture of his office and disqualifies him from ever thereafter holding any public office*  
6 *under this state.*

7 **RULES**

8 **1-1. Presiding officers.** The presiding officer of the Senate is the president and the  
9 presiding officer of the House of Representatives is the speaker. The presiding officer of  
10 each house shall take the chair on every legislative day at the hour to which that house  
11 adjourned at the last sitting.

12 **1-2. Order of business.** Each house shall begin each session as follows: call to order,  
13 prayer by the chaplain, pledge of allegiance, roll call, and determination of a quorum, then  
14 proceed with the daily order of business. A majority of the members present may demand  
15 that the journal for the preceding day be read.

16 **1-3. Questions of order.** The presiding officer of each house shall decide all questions of  
17 order, subject to a motion of appeal, by a majority of the members present. No member may  
18 speak more than once on an appeal without the consent of a majority of the members  
19 present.

20 **1-4. Recognition of members for remarks.** When a member desires to speak, that member  
21 shall respectfully address the presiding officer. When the presiding officer recognizes the  
22 member, that member is entitled to the floor. The member first to address the presiding  
23 officer shall speak first. If two or more members address the presiding officer at the same  
24 time, the presiding officer shall name the member who is to speak first.

25 **1-5. Time allowed for a member to speak.** Each member may speak on the pending  
26 subject before any member speaks twice. No member may speak more than twice nor longer  
27 than ten minutes on the same subject without the consent of a majority of the members  
28 present. However, a member may speak an additional twenty minutes if the time is yielded  
29 by individual members of the body. In computing the time allowed for argument, the time  
30 consumed in asking questions is considered. If a member consents to the question, the time  
31 consumed by the answer is taken out of the time allowed to the person asking the question.

32 **1-6. Questions on the floor.** If a member wishes to ask a question of another member, that  
33 member shall courteously do so through the presiding officer and with the consent of the  
34 member to whom the question is addressed. Any question addressed to a member shall  
35 relate to a question before the body and shall be concisely asked for the sole purpose of  
36 obtaining information. No question may reflect upon the character or conduct of any  
37 official, contain argument or debate, or inquire about the course a member proposes to  
38 follow.

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

4 **1-8. Signing of documents by presiding officer.** The presiding officer of each house shall  
5 sign all concurrent resolutions and commemorations and all writs, warrants, and subpoenas  
6 issued by the house over which the officer presides.

7 **1-9. Those permitted to speak to the body.** No person other than a member of a house  
8 may speak upon any subject before the house unless a member makes a motion to allow  
9 another person to speak and the members present unanimously consent. However, the  
10 speaker of the House and the president pro tempore of the Senate may allow any person  
11 other than a member of the body to speak subject to advance notice to the majority and  
12 minority leaders. A motion objecting to the decision of the presiding officer shall require a  
13 majority vote of the members- elect.

14 **1-10. Dissent against an act or resolution.** Any two members of a house may dissent or  
15 protest in respectful language against any act or resolution which they think injurious to the  
16 public or to any individual and have the reason for their dissent or protest entered upon the  
17 journal. However, if an objection is made that the language of the dissent or protest is not  
18 respectful, a majority of the house may refer the dissent or protest back to the dissenting or  
19 protesting members for emendation.

20 **1-11. Repealed.**

21

## CHAPTER 1A. DECORUM

22 **1A-1. Preservation of decorum.** The presiding officer of each house shall preserve order  
23 and decorum and, in the case of disturbance or disorderly conduct, may order the galleries or  
24 lobbies to be cleared.

25 **1A-2. Smoking prohibited.** Smoking is prohibited in all areas of the Capitol.

26 **1A-3. Alcoholic beverages prohibited.** No alcoholic beverage, beer, wine, or other  
27 beverage containing alcohol may be stored or consumed in any area of the Capitol that is  
28 under the control of the Legislature.

29 **1A-4. Sexual harassment prohibited.** All members are responsible for ensuring that the  
30 workplace is free from sexual harassment. All members shall avoid any action or conduct  
31 which could be viewed as sexual harassment. A member shall report any sexual harassment  
32 complaint to the presiding officer of the house to which the member belongs. If the situation  
33 is not resolved, the member shall forward the complaint to the Executive Board of the  
34 Legislative Research Council.

35 **1A-5. Discrimination prohibited.** The Legislature is an equal opportunity employer and  
36 provides equal access to facilities and services without regard to race, color, creed, religion,  
37 sex, disability, ancestry, or national origin.

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

4 **1A-7. Use of chambers for campaign photographs.** Legislators and candidates for the  
5 Legislature may use the chambers for campaign photographs; however, no changes may be  
6 made to the arrangement of either chamber.

7 **1A-8. Items distributed to the members' desks.** Before any person may distribute an item  
8 to the members' desks on the floor of the Senate or the House of Representatives, that  
9 person must obtain the approval of the secretary of the Senate or the chief clerk of the  
10 House, subject to the review of the speaker of the House and the president pro tempore of  
11 the Senate, respectively. Any item distributed to the members' desks on the chamber floor  
12 must clearly bear the name of the item originator.

13 **1A-9. Cellular telephones prohibited.** Cellular telephones may not be used in either  
14 chamber or gallery while the Legislature is in session.

15 **1A-10. Presiding Officer's power to maintain order.** The presiding officer may have any  
16 member temporarily removed in order to preserve order and decorum.

17 **1A-11. Repealed.**

18 **CHAPTER 1B. LEGISLATIVE CODE OF CONDUCT**

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

29 **1B-2. Compliance with specified requirements.** Each legislator will comply with all  
30 Constitutional and statutory requirements regarding conflicts of interest. Legislators will  
31 timely file all required disclosure statements including Statements of Organization,  
32 Campaign Finance Reports and Statements of Financial Interest. Legislators must also avoid  
33 any conflict of interest which would interfere with their duties and responsibilities as  
34 legislators, interfere with the exercise of their best judgment in support of the State of South  
35 Dakota or create an improper personal benefit.

36 **1B-3. Professional conduct and civility.** The South Dakota Legislature will strengthen and  
37 sustain an atmosphere of professional conduct and civility among its members and with all  
38 staff and will not tolerate harassment or offensive behavior based on race, color, religion,  
39 national origin, gender, age, or disability. Legislators must refrain from any and all such

1 harassment or offensive conduct. This prohibition against harassment also encompasses  
2 sexual harassment including unwelcome sexual advances, requests for sexual favors, and  
3 other verbal, non-verbal, or physical conduct of a sexually harassing nature, when: (1)  
4 submission to the harassment is made either explicitly or implicitly a term or condition of  
5 employment or other employment determinations, or (2) the harassment has the purpose or  
6 effect of unreasonably interfering with an individual's work performance or creates an  
7 intimidating, hostile, or offensive working environment.

8 **1B-4. Action in event of violation.** Failure to observe the highest standards of public  
9 conduct will subject a legislator to appropriate action, pursuant to the rules of the Chamber  
10 and Mason's Manual of Legislative Procedure.

## 11 **CHAPTER 2. MEETINGS, QUORUMS, AND ATTENDANCE**

### 12 **CONSTITUTIONAL PROVISIONS**

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

14 *THE LEGISLATURE SHALL MEET AT THE SEAT OF GOVERNMENT ON THE SECOND*  
15 *TUESDAY OF JANUARY AT 12 O'CLOCK M. AND AT NO OTHER TIME EXCEPT AS*  
16 *PROVIDED BY THIS CONSTITUTION.*

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

18 *IN ALL ELECTIONS TO BE MADE BY THE LEGISLATURE THE MEMBERS THEREOF*  
19 *SHALL VOTE VIVA VOCE AND 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*  
22 *BE OPEN, UNLESS WHEN THE 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*  
25 *MORE THAN THREE DAYS, NOR TO ANY OTHER PLACE THAN THAT IN WHICH THE*  
26 *TWO HOUSES SHALL BE SITTING.*

27 *Art. III, Sec. 9, Par. 2. Quorum.*

28 *A MAJORITY OF THE MEMBERS OF EACH HOUSE SHALL CONSTITUTE A QUORUM,*  
29 *BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY, AND MAY COMPEL*  
30 *THE ATTENDANCE OF ABSENT MEMBERS IN SUCH A MANNER AND UNDER SUCH*  
31 *PENALTY AS EACH HOUSE MAY PROVIDE.*

1

**RULES**

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

11 **2-2. Call of the house.** One-sixth of the members-elect of either house may compel the  
 12 attendance of absent members by ordering a call of the house of which they are members,  
 13 but a call of the house may not be made after voting commences.

14 **2-3. Procedure after a call of the house.** When a call of the house is ordered, the doors  
 15 shall be closed and the absentees noted. No member may leave the room until permission is  
 16 given by the presiding officer, the sergeant at arms' report is received and acted upon, or the  
 17 house is adjourned. Until the sergeant at arms' report is received, proceedings under the call  
 18 may not be suspended except by two-thirds of the members present.

19 **2-4. Access to chamber and lobbies.** Except as otherwise provided in Joint Rule 2-1, no  
 20 person, except current legislators and legislative employees, may enter either chamber or  
 21 space reserved for members of the Legislature adjacent to either chamber at any time during  
 22 a session or for the period of three hours preceding a session except upon invitation of a  
 23 member of the chamber. However, under no circumstances may a lobbyist enter either  
 24 chamber or reserved space for a period of three hours preceding a session or one hour after  
 25 adjournment of the chamber.

26

**CHAPTER 3. LEGISLATIVE EMPLOYEES**

27

**CONSTITUTIONAL PROVISIONS**

28 *Art. III, Sec. 9, Par. 3. Rules of proceedings--Officers and employees.*

29 *EACH HOUSE SHALL DETERMINE THE RULES OF ITS PROCEEDINGS, SHALL*  
 30 *CHOOSE ITS OWN OFFICERS AND EMPLOYEES AND FIX THE PAY THEREOF,*  
 31 *EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.*

32

**STATUTORY PROVISIONS**

33 *§ 2-5-2. Elective officers of Senate.*

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



1 (6) To preserve one true copy of each printed bill, joint resolution, and concurrent  
2 resolution of each legislative session; to attach the copy together with a signed  
3 certificate that it is a true and complete copy of each printed bill, joint resolution, and  
4 concurrent resolution of the legislative session; and to file such certified copies with the  
5 secretary of state within ten days after adjournment of the Legislature; and

6 (7) To perform all other acts appertaining to the office as may be required by the house  
7 or its presiding officer.

8 **3-3. Office of Engrossing and Enrolling.** The Legislative Research Council shall perform  
9 all engrossing and enrolling duties. In addition, each house may hire secretaries necessary to  
10 conduct the business of the standing committees. Any secretary appointed to a committee is  
11 responsible to the committee chair. In each house, a secretary is provided to the minority  
12 party.

13 **3-4. Engrossing and enrolling.** The engrossing and enrolling duties of the Legislative  
14 Research Council are:

15 (1) To engross and enroll all bills delivered to them;

16 (2) To provide and supervise secretarial assistance to legislators as requested;

17 (3) To collect from the secretaries of all standing and special committees the minutes  
18 of such committees and retain them in the Legislative Research Council Library; and

19 (4) To correct clerical errors, with the consent of the secretary of the Senate or chief  
20 clerk of the House of Representatives, in any bill originating in the house by which  
21 they are employed. Clerical errors which may be corrected are: errors in spelling, errors  
22 in numbering sections, errors of omission or commission due to addition or deletion of  
23 material, and errors due to copying incorrectly from the most recent statute. The  
24 secretary of the Senate and the chief clerk of the House shall inform the principal  
25 sponsor of all such corrections.

26 **3-5. Chaplains.** The chief chaplain shall schedule a chaplain to serve in each house for  
27 each legislative day. The duty of the chaplain of each house is to open each day's session  
28 with a prayer.

29 **3-6. Disputes or complaints involving a legislative session employee.** Any dispute or  
30 complaint involving the competency or decorum of a legislative session employee,  
31 including any violation of SDCL 2-12, shall be referred to the president pro tempore of the  
32 Senate or the speaker of the House. The officer may dismiss, suspend, or otherwise  
33 discipline the employee.

34 **3-7. Sexual harassment prohibited.** All employees are responsible for ensuring that the  
35 workplace is free from sexual harassment. All employees shall avoid any action or conduct  
36 which could be viewed as sexual harassment. An employee shall report any sexual  
37 harassment complaint to the president pro tempore of the Senate, speaker of the House or

1 any supervisor. If the situation is not resolved, the employee shall forward the complaint to  
2 the Executive Board of the Legislative Research Council.

### 3 **CHAPTER 4. ORDER OF BUSINESS**

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

- 6 (1) Prayer by the chaplain and pledge of allegiance;
- 7 (2) Roll call and determination of a quorum;
- 8 (3) Approval of the journal;
- 9 (4) Communications and petitions;
- 10 (5) Reports of standing committees;
- 11 (6) Reports of select committees;
- 12 (7) Messages from the other house;
- 13 (8) Motions and resolutions;
- 14 (9) Consideration of committee reports;
- 15 (10) Introduction, first reading and reference of bills and joint resolutions originating  
16 in the house;
- 17 (11) First reading and reference of bills and joint resolutions originating in the other  
18 house;
- 19 (12) Second reading of consent calendar bills and resolutions;
- 20 (13) Second reading of bills and joint resolutions originating in the house;
- 21 (14) Second reading of bills and joint resolutions originating in the other house;
- 22 (15) Announcements.

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

26 **4-2. Special orders.** Any bill, resolution, memorial or other subject matter may be made a  
27 special order for some subsequent time by a majority vote of the members present.

28 **4-3. Order of bills and resolutions.** Each bill and resolution up for consideration under  
29 any order of business shall be listed and taken up in the order in which it is listed on the  
30 daily calendar unless otherwise ordered by a majority of the members present.

### 31 **CHAPTER 5. MOTIONS**

32 **5-1. Entertainment of motions.** No motion may be entertained and debated until it is  
33 seconded. Following the second of a debatable motion, the presiding officer shall first  
34 recognize the member making the motion.

35 **5-2. Restatement and reading of motions.** When a motion is made and seconded, it shall  
36 be restated by the presiding officer, and, if requested by the presiding officer or a member,  
37 shall be displayed electronically or reduced to writing and read aloud.

1 **5-2.1. Provision of copies of motions.** If a motion to amend is displayed electronically or  
2 offered in writing or if each member of the body has been given a copy of the motion, the  
3 reading of that motion is automatically waived.

4 **5-2.2. Withdrawal of motions.** After a motion is stated by the presiding officer, it may not  
5 be withdrawn without unanimous consent of the members present.

6 **5-3. Priority of motions.** When a question is under debate, no motion may be made except  
7 the following motions which have precedence in the order listed:

- 8 (1) To adjourn;
- 9 (2) To recess;
- 10 (3) To call the house;
- 11 (4) To lay on the table;
- 12 (5) To call the previous question;
- 13 (6) To defer indefinitely;
- 14 (7) To defer to a day certain;
- 15 (8) To refer to committee;
- 16 (9) To amend.

17 **5-4. Priority of motion for adjournment.** A motion for adjournment is always in order,  
18 unless the roll is being called or the previous question has been ordered, and shall be  
19 decided without debate.

20 **5-5. Application and nondebatability of motions to lay on the table.** A motion to lay on  
21 the table which effects a disposition on the merits of any bill or resolution requires the vote  
22 of a majority of the members-elect to carry and shall be decided without debate. Any other  
23 motion to lay on the table requires the vote of a majority of the members present and shall  
24 be decided without debate. No member may make introductory remarks prior to making a  
25 motion to lay on the table.

26 **5-5.1. Scope of motions to lay on the table.** A motion to lay on the table may be made so  
27 as to apply either to the main question or to a proposed amendment or to the bill and all  
28 pending amendments, and the motion shall clearly state to which it is intended to apply.

29 **5-5.2. Motion to take from the table.** Whenever any bill or resolution is laid on the table,  
30 it requires a majority vote of the members-elect to take it from the table. The motion to take  
31 from the table is debatable.

32 **5-5.3. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to  
33 motions to table and to defer to a day certain beyond sine die shall be the same except that a  
34 motion to defer to a day certain beyond sine die is debatable.

35 **5-6. Motion to call the previous question.** A motion for the previous question shall be  
36 decided immediately by a majority of the members present and without debate. The motion  
37 shall clearly indicate the question to which it applies. No member may make introductory  
38 remarks prior to making a motion to call the previous question. The effect of adopting a  
39 motion to call the previous question is to close debate, to prevent the moving of

1 amendments or other subsidiary motions, and to bring to vote immediately the question to  
2 be voted upon. The effect of defeating a motion to call the previous question is to allow  
3 continuation of debate on the question before the house.

4 **5-7. Priority of vote after call of the previous question.** After a motion to call the  
5 previous question has prevailed, it is not in order to move a call of the house or to move to  
6 adjourn, prior to a decision of the question before the house.

7 **5-8. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer  
8 indefinitely or to refer to committee is decided in the negative, such motion is not again in  
9 order at the same stage of consideration of the bill or proposition.

10 **5-8.1. Motion to postpone as final action.** A motion to defer indefinitely or to a date  
11 beyond the sine die adjournment of the Legislature requires the vote of a majority of the  
12 members-elect.

13 **5-9. Division of the question.** Any member may call for a division of the question. The  
14 presiding officer shall divide the question if it contains questions so distinct that, one being  
15 taken away, the rest may stand as a separate proposition.

16 **5-10. Motions to strike the enacting clause.** A motion to strike the enacting clause of a  
17 bill has precedence to a motion to amend, and if carried, is equivalent to the rejection of the  
18 bill.

19 **5-11. Notice of intention to reconsider.** Notice of intention to move for reconsideration  
20 shall be made before the body proceeds to the next item of business. If any member fails to  
21 give notice of intention to reconsider, the vote on a question shall be deemed to have been  
22 moved for reconsideration and such motion for reconsideration to have been laid on the  
23 table.

24 **5-11.1 Motions to reconsider.** Having given notice of intent to reconsider, the member  
25 giving notice may move to reconsider the question not later than the next legislative day,  
26 except as provided in Joint Rule 5-13. Any motion to reconsider shall be made under order  
27 of business No. 8, except as provided in Joint Rule 5-13, and takes precedence over all other  
28 motions except to recess or to adjourn. No motion to reconsider the same question may be  
29 made twice in the same house without unanimous consent. Every motion to reconsider shall  
30 be decided by a majority vote of the members-elect on a roll call vote. No question may be  
31 reconsidered except the final disposition of bills and joint resolutions and the override of  
32 vetoes. No motion to lay on the table is subject to reconsideration.

33 **5-12. Failure to make timely motion for reconsideration.** If any member has given notice  
34 of intent to move for reconsideration and does not move for reconsideration before the  
35 stated deadline, the presiding officer shall immediately state that any member may move for  
36 reconsideration.

37 **5-13. Motion for reconsideration during final legislative days.** During the seven final  
38 legislative days, any member who has given notice of intent to move for reconsideration  
39 shall make such motion at a time prior to the conclusion of business on the legislative day

1 that the question sought to be reconsidered was acted upon. Such motion may be made at  
2 any time prior to adjournment.

3 **5-13.1. Immediate consideration of emergency measures.** If the affirmative vote for a  
4 bill containing an emergency clause is less than two-thirds but more than one-half of the  
5 members-elect, the vote shall be immediately reconsidered.

6 **5-14. Germaneness of amendments.** No motion to amend a bill is in order unless it is  
7 germane to the subject as expressed in the title of the bill.

8 **5-15. Order of questions.** All questions, other than privileged questions as listed in Joint  
9 Rule 5-3, shall be put in the order they are moved.

10 **5-16. Limitations on number of motions to amend and substitute motions.** When a  
11 motion or proposition is under consideration, a motion to amend and a motion to amend that  
12 amendment is in order. It is also in order to offer a further amendment as a substitute, but  
13 such substitute is not subject to amendment.

14 **5-17. Motion to delay action on amendments.** Final action upon any amendment to a bill  
15 or resolution may not be heard until one legislative day has intervened, if a request for delay  
16 is made and is supported by at least one-fifth of the members. However, no such request is  
17 in order during the last fourteen days of the session. This rule cannot be invoked more than  
18 two times on the same bill in each house.

19 **5-17.1. Motion to delay action on amendments is nondebatabile.** No member invoking  
20 Joint Rule 5-17 may speak to the merits of the amendment or make any other introductory  
21 remarks.

## 22 CHAPTER 6. BILLS, RESOLUTIONS, AND COMMEMORATIONS

### 23 A. FORM OF BILLS--DEFINITIONS OF RESOLUTIONS--GENERAL 24 PROVISIONS

#### 25 CONSTITUTIONAL PROVISIONS

26 *Art. III, Sec. 21. One subject expressed in title.*

27 *NO LAW SHALL EMBRACE MORE THAN ONE SUBJECT, WHICH SHALL BE*  
28 *EXPRESSED IN ITS TITLE.*

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

30 *THE GENERAL APPROPRIATION BILL SHALL EMBRACE NOTHING BUT*  
31 *APPROPRIATIONS FOR ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE,*  
32 *AND JUDICIAL DEPARTMENTS OF THE STATE, THE CURRENT EXPENSES OF*  
33 *STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON*  
34 *SCHOOLS. ALL OTHER APPROPRIATIONS SHALL BE MADE BY SEPARATE BILLS,*

1 *EACH EMBRACING BUT ONE OBJECT, AND SHALL REQUIRE A TWO-THIRDS VOTE*  
2 *OF ALL THE MEMBERS OF EACH BRANCH OF THE LEGISLATURE.*

3 *Art. III, Sec. 18. Enacting clause--Assent by majority--Recording of votes.*

4 *THE ENACTING CLAUSE OF A LAW SHALL BE: "BE IT ENACTED BY THE*  
5 *LEGISLATURE OF THE STATE OF SOUTH DAKOTA" AND NO LAW SHALL BE*  
6 *PASSED UNLESS BY ASSENT OF A MAJORITY OF ALL THE MEMBERS ELECTED TO*  
7 *EACH HOUSE OF THE LEGISLATURE. AND THE QUESTION UPON THE FINAL*  
8 *PASSAGE SHALL BE TAKEN UPON ITS LAST READING, AND THE YEAS AND NAYS*  
9 *SHALL BE ENTERED UPON THE JOURNAL.*

## 10 **STATUTORY PROVISIONS**

11 **§ 22-12A-18. Fraudulent alteration of bill after passage as felony.**

12 *Any person who fraudulently alters a bill which has been passed by the Legislature of this*  
13 *state, with intent to have it approved by the Governor, certified by the secretary of state, or*  
14 *printed or published by the printer of the statutes, in language different from that in which it*  
15 *was passed by the Legislature, is guilty of a Class 6 felony.*

## 16 **RULES**

17 **6A-1. Legislative documents.** Only bills and the following may be introduced in the  
18 Legislature:

19 (1) A House or Senate resolution, which shall pertain to the affairs of one house only  
20 and require action only by the legislative chamber concerned. A House or Senate  
21 resolution may be used to express an opinion or principle of one house, to express an  
22 opinion to or request of the other house, to regulate procedure, or to refer the subject  
23 matter of bills to the Legislative Research Council;

24 (2) A concurrent resolution, which shall express opinions and principles of the  
25 Legislature not having the force of law. A concurrent resolution may be used to  
26 authorize interim studies, joint rules, sessions or committees, to memorialize or instruct  
27 a department of state government, or to petition federal agencies;

28 (3) A joint resolution, which shall contain matters of legislation only. A joint  
29 resolution may be used to refer a matter for referendum to the people, to place a  
30 constitutional amendment on the ballot at the next general election, to ratify proposed  
31 amendments to the United States Constitution, or to grant a water right pursuant to  
32 § 46-5-20.1;

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

35 (5) A legislative commemoration, which shall express recognition of service or  
36 achievements of national or statewide importance or express sorrow over death or loss.

1 **6A-2. Format of bills and joint resolutions.** If a bill amends an existing statute, the new  
 2 matter shall be underscored and the omitted matter shall be overstricken. If an entire title,  
 3 chapter, section, subdivision, or subsection is to be repealed, only the code citation need be  
 4 listed.

5 **6A-3. Format of joint resolutions.** If a joint resolution amends an existing provision of the  
 6 Constitution, the omitted matter shall be overstricken and the new matter shall be  
 7 underscored. A joint resolution shall contain sufficient introductory wording to give  
 8 reasonable notice of the effect of the proposed amendment.

9 **6A-4. Bills at the request of the Governor, executive agencies, and the Chief Justice.** A  
 10 bill introduced at the request of the Governor, Chief Justice of the Supreme Court, a  
 11 department, board, commission, or any other agency of state government, shall indicate in  
 12 the title at whose request such bill is being introduced.

13 **6A-5. Review of bills by the Legislative Research Council.** Before a bill, resolution, or  
 14 commemorative may be introduced, it shall be reviewed by the Legislative Research  
 15 Council for style and form. No bill or joint resolution may be submitted to the Legislative  
 16 Research Council for review less than forty-eight hours of the final introduction date for  
 17 bills or joint resolutions as provided in Joint Rule Chapter 17.

18 **6A-6. Title of repealed law.** A bill introduced for the sole purpose of repealing an existing  
 19 law shall include in its title the general subject to which the law relates.

20 **6A-7. Placement of emergency clause.** Any bill containing an emergency clause shall  
 21 have the emergency clause added at the end of the bill.

22 **6A-8. Title and sponsors placed on bills and resolutions.** Before a bill or resolution is  
 23 introduced, its title and the name or names of the member, members, or committee  
 24 introducing the bill or resolution shall be printed on it.

## 25 **B. INTRODUCTION AND SPONSORSHIP**

### 26 **STATUTORY PROVISIONS**

27 **§ 2-7-4. Prefiling of bills and resolutions with Legislative Research Council--Rules for**  
 28 **handling.**

29 *Any person who has been duly elected or appointed to serve during a regular session of the*  
 30 *Legislature may file bills and resolutions with the State Legislative Research Council at any*  
 31 *time within thirty days prior to the convening of such regular session. Notwithstanding the*  
 32 *provisions of § 2-7-6.1, any interim committee of the Legislative Research Council may file*  
 33 *bills and resolutions under the provisions of this section. The Executive Board of the State*  
 34 *Legislative Research Council shall prescribe rules for the handling and placing in proper*  
 35 *form of such bills and resolutions, subject to the provisions of §§ 2-7-4 to 2-7-6, inclusive.*

1    **§ 2-7-5. Numbering, printing and disposition of prefiled bills--Date of introduction.**

2    *The director of the Legislative Research Council shall, within the confines of such rules,*  
3    *receive such bills and resolutions, place them in proper form, assign them numbers for*  
4    *introduction in the proper house, and deliver copies to the printing contractor for pre-*  
5    *session printing. The director shall deliver the original and one copy of each bill and*  
6    *resolution to the secretary of the Senate or the chief clerk of the House of Representatives,*  
7    *as the case may be, on the day when the session convenes. However, the director may not*  
8    *deliver any prefiled bill or resolution until every sponsor of such bill or resolution has been*  
9    *duly sworn into office.*

10    *Upon prefiling, such bills and resolutions become the property of the Legislature and may*  
11    *not thereafter be withdrawn. Prefiled bills and resolutions shall be considered as introduced*  
12    *on the day of their delivery to each house.*

13    **§ 2-7-6.1. Committee introduction of bills and resolutions.**

14    *No bill or joint resolution may be introduced in either house of the Legislature by any*  
15    *committee thereof, except:*

16            (1) *A bill or a joint resolution introduced by any standing committee of either house;*

17            (2) *A bill or joint resolution referred to the Legislature from an interim committee of*  
18            *the State Legislative Research Council;*

19            (3) *A bill or joint resolution introduced at the request of the interim Rules Review*  
20            *Committee, interim Government Operations and Audit Committee, the interim*  
21            *Retirement Laws Committee, the interim Joint Bonding Review Committee, and the*  
22            *interim State-Tribal Relations Committee by one or more committee members upon*  
23            *majority vote of the interim committee; or*

24            (4) *A bill or joint resolution introduced at the request of the Governor, an executive*  
25            *agency or of the chief justice of the Supreme Court.*

26    *The committee shall obtain a written request for such introduction from either the council,*  
27    *the Governor, department head of an executive agency, a constitutional officer or board, or*  
28    *the chief justice and shall retain such request in its file. Committee bills introduced on*  
29    *behalf of a department head of an executive agency, a constitutional officer or board may be*  
30    *introduced by the chairman without a vote of the committee for purposes of prefiling.*  
31    *Nothing in this section prohibits one or more legislators from introduction of a bill or a*  
32    *joint resolution.*

33

**RULES**

34    **6B-1. Time for introduction of bills, number of copies for introduction, bills are**  
35    **property of Legislature.** Any member or committee desiring to introduce a bill or  
36    resolution shall file two copies of the bill or resolution with the bill clerk at least two hours  
37    prior to the opening of the daily session. Any bill or resolution filed with the bill clerk and

1 duly numbered becomes the property of the Legislature and may not thereafter be  
2 withdrawn.

3 **6B-2. Numbering of bills and resolutions.** Bills shall be numbered consecutively as  
4 introduced, beginning with No. 1 for Senate bills and with No. 1001 for House bills.  
5 Resolutions shall be numbered consecutively as introduced, beginning with No. 1001 for  
6 House resolutions and with No. 1 for Senate resolutions.

7 **6B-3. Limit on number of bills that may be introduced.** No legislator may introduce as  
8 prime sponsor more than three individual bills or joint resolutions during the last three days  
9 for bill introduction prescribed by Joint Rule Chapter 17.

10 **6B-4. Sponsorship of bills and resolutions.** Any bill, joint resolution, or concurrent  
11 resolution may be introduced by any member or members of the house of origin. Any  
12 member or members of the other house may join the member or members of the house of  
13 origin in introducing the bill or resolution.

14 **6B-5. Bill introduction by standing committees.** Before a bill or joint resolution can be  
15 introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have  
16 received an affirmative vote of a majority of the members of a standing committee at one of  
17 its regular meetings with a statement of such fact on a separate slip attached to the cover of  
18 the bill and signed by the chair of the committee.

19 **6B-6. Pre-filing of agency bills.** No bill or resolution introduced at the request of a  
20 department, board, commission, or any other agency of state government, except bills or  
21 resolutions introduced at the request of the Governor or Chief Justice, may be considered by  
22 the Legislature unless such bill or resolution is pre-filed with the director of the Legislative  
23 Research Council at least forty-eight hours before the opening of a legislative session and  
24 available for introduction on the first legislative day.

25 **6B-7. Disposition of copies of bills when introduced.** An original and one copy of each  
26 bill or resolution introduced shall be disposed of as follows:

27 (1) The original, which shall have endorsed thereon the word "Original," shall be  
28 retained by the house of origin; and

29 (2) The copy shall be delivered to the prime sponsor.

## 30 C. FISCAL NOTES AND ACTUARIAL STATEMENTS

### 31 RULES

32 **6C-1. Bills and resolutions that require fiscal notes.** Any bill or resolution prefiled or  
33 introduced which has an effect on the revenues, expenditures, or fiscal liability of the state  
34 shall include a fiscal note incorporating an estimate of such effect. This rule does not apply  
35 to the cost of legislative processing or appropriation measures carrying specific dollar  
36 amounts.

1 **6C-1.1. Request for fiscal note by any member.** A fiscal note may be requested by any  
2 member if supported by one-fifth of the members of the house in which the bill or resolution  
3 is to be considered, at the time of the second reading, if the bill or resolution has an effect on  
4 the revenues, expenditures, or fiscal liability of the state. However, the request shall not  
5 extend final consideration of the bill over two days beyond the last day for passage from the  
6 house of origin.

7 **6C-2. Legislative Research Council to prepare fiscal notes.** If the presiding officer  
8 determines a bill or resolution requires a fiscal note at the time of introduction, the presiding  
9 officer shall request the Director of the Legislative Research Council to prepare the fiscal  
10 note, in consultation with the Bureau of Finance and Management. The Director of the  
11 Legislative Research Council shall prepare a fiscal note for prefiled bills or resolutions.

12 **6C-3. Deferral of bills without fiscal note.** The original copy of a bill or resolution for  
13 which a fiscal note has been requested shall be stamped by the bill clerk with the initials  
14 "F.N." before referral to committee. If such bill or resolution is reported back to the house  
15 without a fiscal note, the presiding officer shall defer placing the bill or resolution on the  
16 calendar until the requested fiscal note is received, unless in the presiding officer's opinion a  
17 fiscal note is no longer required.

18 **6C-4. Committees may request fiscal note.** If the presiding officer has not requested a  
19 fiscal note on a bill or resolution having a fiscal effect, the committee, or its chair,  
20 considering the bill or resolution may request a fiscal note. The committee may request an  
21 amended fiscal note if a bill or resolution is amended.

22 **6C-5. Attaching fiscal note to bill.** If a fiscal note is available, it shall be attached by the  
23 Office of Engrossing and Enrolling at the end of the original copy of the bill or resolution.

24 **6C-6. Local government fiscal notes.** In addition, if requested by the presiding officer or  
25 any legislator, a bill or resolution which has an effect on the revenues, expenditures, or  
26 fiscal liability of any political subdivision of the state shall have attached a fiscal note,  
27 prepared by the Director of the Legislative Research Council, in consultation with the  
28 Bureau of Finance and Management.

29 **6C-7. Retirement system actuarial statement.** Each bill introduced affecting the benefits  
30 payable by the state or a local government retirement system shall have an actuarial  
31 statement requested by the sponsor and attached to the bill. The actuarial statement shall be  
32 requested from the governing board of the retirement system affected and the statement  
33 shall identify the costs of the proposed change in the law as stated by the actuary for the  
34 affected retirement plan. If there is a doubt as to the need for an actuarial statement, the  
35 presiding officer shall make the final decision. After the bill is introduced, the Chief of  
36 Enrolling and Engrossing shall attach the actuarial statement to the original bill.

1 **D. FIRST READING AND REFERRAL**

2 **CONSTITUTIONAL PROVISIONS**

3 *Art. III, Sec. 17. Reading of bills.*

4 *EVERY BILL SHALL BE READ TWICE, BY NUMBER AND TITLE ONCE WHEN*  
 5 *INTRODUCED, AND ONCE UPON FINAL PASSAGE, BUT ONE READING AT LENGTH*  
 6 *MAY BE DEMANDED AT ANY TIME BEFORE FINAL PASSAGE.*

7 **RULES**

8 **6D-1. Referral of bills and resolutions to standing committees.** Unless otherwise  
 9 ordered, all bills and joint resolutions, except the general appropriations bill, shall be  
 10 referred to a standing committee after their first reading. The presiding officer may waive  
 11 the referral to standing committee of concurrent resolutions. Copies of all concurrent  
 12 resolutions shall be distributed to each member before being acted upon.

13 **6D-2. Referral of resolutions of disapproval.** Any resolution of disapproval shall be  
 14 referred to a committee unless ordered to be placed directly on the calendar by a majority  
 15 vote of the members present.

16 **E. AMENDMENTS AND SUBSTITUTE BILLS**

17 **CONSTITUTIONAL PROVISIONS**

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

19 *AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED . . . BY A MAJORITY*  
 20 *VOTE OF ALL MEMBERS OF EACH HOUSE OF THE LEGISLATURE.*

21 **RULES**

22 **6E-1. Amendments to be germane to bill.** No amendment to a bill or joint resolution may  
 23 embrace more than one subject, which shall be expressed in the title of the bill.

24 **6E-2. Hoghouse amendments.** Any substitute bill shall be treated as an amendment and  
 25 shall be governed by the rules governing amendments.

26 **6E-3. Message required when one house amends bill or resolution of other house.**  
 27 Whenever a bill or joint resolution is passed in one house and amended and passed in the  
 28 other, a message to the house of origin shall indicate that the bill or resolution has been  
 29 amended.

30 **F. SECOND READING**

31 **6F-1. No second reading until engrossment.** No bill or resolution amended after  
 32 introduction may be read the second time until it is correctly engrossed.

1 **6F-2. Second reading at least one day after committee report.** No bill or joint resolution  
2 may have its second reading or receive final passage until at least one legislative day after it  
3 has been reported to the house by the committee to which the same has been referred and  
4 such report has been read to the house.

5 **6F-3. Action on committee reports.** No report of any standing committee or select  
6 committee may be acted upon until at least one legislative day after it has been read to the  
7 body, except the report of the committee on legislative procedure, or the reports of standing  
8 committees requesting referral to another standing committee of a bill or resolution which  
9 may be acted upon immediately. However, during the last three days of the session, reports  
10 of conference committees may be acted upon the same day as reported.

11 **6F-4. Placement of unamended bills and resolutions on calendar.** If any committee  
12 makes a report that a bill or resolution "Do Pass" without proposing any amendment thereto,  
13 the bill or resolution shall be placed upon the calendar for second reading on the next  
14 legislative day.

15 **6F-5. Placement of amended bills and resolutions on calendar.** If any standing  
16 committee returns a bill or resolution to the house with the recommendation that the bill or  
17 resolution do pass with proposed amendments, the report shall be received, read and entered  
18 upon the journal. The committee report shall be placed on the calendar for adoption the  
19 following legislative day and the bill shall be placed on the calendar for floor action on the  
20 legislative day following the adoption of the committee report. On the final day for the  
21 committee to act upon a bill, the report may be placed directly on the calendar for floor  
22 action. A report recommending the passage of a bill or resolution with proposed  
23 amendments is not subject to change or amendment.

24 **6F-6. Placement of bills and resolutions not receiving a "Do Pass" recommendation on**  
25 **the calendar.** Any bill or resolution reported "Do Not Pass" or "without recommendation"  
26 shall fail if no motion is made for its disposition under the order of business of  
27 Consideration of Committee Reports on the next legislative day after delivery to the house.  
28 On the final day to use Joint Rule 7-7, a motion must be made before adjournment on that  
29 day. A motion to place a bill or resolution on the calendar where a committee reports a bill  
30 or resolution "Do Not Pass" or "without recommendation" shall require the vote of a  
31 majority of the members-elect to carry. A bill or resolution failing to be placed on the  
32 calendar is lost after time for reconsideration has passed.

## 33 **G. PRINTING, ENGROSSING, AND ENROLLING**

### 34 **STATUTORY PROVISIONS**

#### 35 **§ 2-7-13. Selection of printing process and contractor for bills and resolutions.**

36 *The Bureau of Administration, in consultation with the Legislative Research Council, shall,*  
37 *before the commencement of any session of the Legislature, determine whether the house*  
38 *and senate bills and joint resolutions of the legislative session will be printed by a private*  
39 *contractor, and select the printing process to be used, or whether the documents will be*  
40 *prepared by the use of a duplicating process.*

1 **§ 2-7-14. Time allowed for printing of bills and resolutions.**

2 *The contractor for printing of the house and senate bills and joint resolutions of any kind*  
3 *shall deliver them, completed, to the Legislature within two days after receiving the copy.*

4 **§ 2-7-15.1. Fees for copies of bills and journals--Mailing fees--Disposition.**

5 *The Executive Board of the Legislative Research Council is authorized to recover up to one-*  
6 *half of the printing costs of legislative bills and journals by establishing uniform fees for the*  
7 *distribution of legislative printed materials, to public agencies, lobbyists and individuals.*  
8 *Fees for estimated mailing costs may also be charged for mailing printed materials. Fees*  
9 *collected may be deposited in a special fund within the state treasury, the proceeds of which*  
10 *shall be used to pay for printing and postage costs, or transferred to the state general fund.*

11 **§ 22-12A-17. Fraudulent alteration of bill or resolution as felony.**

12 *Any person who fraudulently alters the draft of any bill or resolution which has been*  
13 *presented to either house of the Legislature to be passed or adopted, with intent to procure*  
14 *it to be passed or adopted by either house, or certified by the presiding officer of either*  
15 *house, in language different from that intended by such house, is guilty of a Class 6 felony.*

16 **§ 2-7-17. Certification and filing of printed bills and resolutions--Judicial notice.**

17 *It shall be the duty of the secretary of the Senate and chief clerk of the House of*  
18 *Representatives to preserve one true copy of each printed bill, of each printed joint*  
19 *resolution, and of each printed concurrent resolution of each session of the Legislature; and*  
20 *to attach same together, to attach thereto, their signed certificate that they are true and*  
21 *complete copies of all the printed bills, joint resolutions, and concurrent resolutions of the*  
22 *certain session of the Legislature, and to file said copies so certified in the Office of the*  
23 *Secretary of State within ten days after adjournment of the session.*

24 *All copies so certified and filed shall be subject to judicial notice in all courts of record.*

25 **§ 2-7-18. Engrossment of bills and amendments.**

26 *All bills, in either house of the Legislature, which have been favorably acted upon,*  
27 *preparatory to going upon the calendar shall be engrossed if amendments have been made*  
28 *thereto. Amendments to any bill made by either Senate or House of Representatives, after*  
29 *engrossment, shall likewise be engrossed.*

30 **§ 2-7-19. Enrollment of bill after passage by both houses.**

31 *A bill which has passed both houses of the Legislature shall at once be enrolled by the house*  
32 *in which it originated.*

1 § 2-7-20. *Presentation of bill to Governor--Filing with secretary of state--Photocopy to*  
2 *code counsel.*

3 *The original copy of each enrolled bill shall be signed by the president of the Senate,*  
4 *secretary of the Senate, speaker of the House of Representatives, and chief clerk of the*  
5 *House of Representatives and presented to the Governor. If the Governor approves the bill,*  
6 *the Governor shall sign and transmit it to the secretary of state who shall deliver a*  
7 *photocopy of the signature page to the code counsel to be used in preparing copy for session*  
8 *laws. The secretary of state shall provide a permanent form of binder for the original*  
9 *enrolled bills and the bills vetoed with the veto message attached. The secretary of state*  
10 *shall also provide the code counsel with a photocopy of the signature page of each vetoed*  
11 *bill and veto message.*

12 **RULES**

13 **6G-1. Determination of procedures.** The committees on legislative procedure shall jointly  
14 determine uniform procedures for the printing, engrossing and enrolling of bills and joint  
15 resolutions.

16 **6G-2. Reprinting of bills and joint resolutions.** If a bill is amended, the amendment shall  
17 be engrossed on the bill before the bill advances to the next stage of the legislative process.  
18 The engrossed bill shall become the original bill.

19 **6G-3. (Reserved).**

20 **6G-4. Printing without consent.** Each house may print bills, messages, and reports without  
21 the consent of the other.

22 **6G-5. Engrossing of bills and joint resolutions.** All bills or joint resolutions in either  
23 house of the Legislature, which have been favorably acted upon and amendments have been  
24 made thereto, before going upon the calendar shall be engrossed. Amendments to any bill or  
25 joint resolution, made by either house after engrossment, shall likewise be engrossed upon  
26 the original bill or joint resolution.

27 **6G-6. Report to committee on legislative procedure.** The chief of the office of  
28 engrossing and enrolling shall examine all amended bills and joint resolutions.

29 **6G-7. Enrolling of bills and joint resolutions.** A bill which has passed both branches of  
30 the Legislature shall be at once enrolled. An enrolled bill or joint resolution shall be free  
31 from erasures, marks and interlineations, and each sheet thereof shall be initialed by the  
32 chief of engrossing and enrolling and numbered for identification. The cover of the bill or  
33 joint resolution shall indicate the house of origin.

34 **6G-8. Review and signing of bills and joint resolutions.** The committee on legislative  
35 procedure and the chief of engrossing and enrolling shall compare enrolled with engrossed  
36 bills and joint resolutions as passed by both houses and make a report thereon to the house  
37 of origin. If a bill or joint resolution is reported by the committee as correctly enrolled, it  
38 shall be presented to the presiding officers of both houses for their signatures.

1 **6G-9. Presentation of bills and joint resolutions to Governor.** After a bill or joint  
2 resolution is signed by the officers of both houses, the chairmen of the committees on  
3 legislative procedure shall jointly cause such bill to be presented to the Governor for the  
4 Governor's signature and such joint resolution to the secretary of state for filing. The  
5 committees shall, at any time, report such presentations to both houses.

## 6 **H. COMMEMORATIONS**

7 **6H-1. Introduction of commemorations.** Any member may introduce a legislative  
8 commemoration, which may be cosponsored by other members of either house, by filing it  
9 with the bill clerk of that member's house. The prime sponsor shall submit all necessary  
10 information to the legislative research council prior to introduction. However, no member  
11 may introduce a legislative commemoration during the last three legislative days of the  
12 session.

13 **6H-2. Numbering of commemorations.** Each legislative commemoration shall be  
14 numbered consecutively as introduced beginning with No. 1 for the Senate and No. 1001 for  
15 the House of Representatives.

16 **6H-3. Printing and calendaring of commemorations.** Upon introduction, the presiding  
17 officer shall order the legislative commemoration printed in the journal of that legislative  
18 day. Subsequently the presiding officer shall place each pending legislative commemoration  
19 along with a notation of the page upon which it is printed in the journal on the calendar of  
20 the next legislative day following its printing.

21 **6H-4. Approval of commemorations in the house of origin.** Any member of the body  
22 may object to the approval of any legislative commemoration by so stating on the floor of  
23 the body at any time before adjournment on the legislative day upon which the legislative  
24 commemoration is calendared. If no such objection is made, the legislative commemoration  
25 shall be deemed approved and the presiding officer shall deliver it to the other house. If  
26 there is objection, the legislative commemoration shall be deemed disapproved.

27 **6H-5. Calendaring of commemorations in the second house.** Upon receipt of a  
28 legislative commemoration from the other house, the presiding officer shall place it on the  
29 next day's legislative calendar along with a notation of the page upon which it is printed in  
30 the journal.

31 **6H-6. Approval of commemorations in the second house.** Any member of the receiving  
32 body may object to the approval of any legislative commemoration by so stating on the floor  
33 of the body at any time before adjournment on the legislative day upon which the legislative  
34 commemoration is calendared. If no such objection is made, the legislative commemoration  
35 shall be deemed approved and the presiding officer shall deliver it to the house of origin. If  
36 there is objection, the legislative commemoration shall be deemed disapproved.

37 **6H-7. Enrollment of commemorations.** The secretary of the Senate or the chief clerk of  
38 the House of Representatives shall deliver the original enrolled legislative commemoration  
39 to the prime sponsor.

1 **I. COMPUTERIZED INFORMATION SYSTEM**

2 **6I-1. Bill Status.** The bill status, created by the computerized information system, is the  
3 official record of action to the bill.

4 **CHAPTER 7. COMMITTEES**

5 **STATUTORY PROVISIONS**

6 **§ 2-6-1. Administration of oaths by committee member.**

7 *Any member of the Senate or House of Representatives, while acting as a member of any*  
8 *committee thereof, shall have authority to administer oaths to such persons as shall be*  
9 *examined before such committee.*

10 **§ 2-6-2. Composition and appointment of Government Operations and Audit Committee--**  
11 **Duties and reports--Assistance.**

12 *There shall be appointed at each regular session of the Legislature a Government*  
13 *Operations and Audit committee of ten, consisting of five members of the Senate appointed*  
14 *by the president pro tempore of the Senate, one of whom shall be a member of the Judiciary*  
15 *Committee, and five members of the House of Representatives appointed by the speaker of*  
16 *the House, one of whom shall be a member of the Judiciary Committee, for the purpose of*  
17 *inquiry and review of any phase of the operations and the fiscal affairs of any department,*  
18 *institution, board, or agency of the state, to review any findings of abuse or neglect in a*  
19 *juvenile corrections facility, to make a continuing study of the operation of the state's*  
20 *correctional system, and to make a detailed report to the Senate and House of*  
21 *Representatives and submit a copy of its report to the appropriation committee of each*  
22 *house of the Legislature at the next succeeding session of the Legislature or any special*  
23 *session of the Legislature upon request of the body.*

24 *The Department of Legislative Audit shall provide assistance, including clerical help, to the*  
25 *committee upon request.*

26 **§ 2-6-4. Investigative powers of Government Operations and Audit Committee.**

27 *The Government Operations and Audit Committee may examine all records and vouchers,*  
28 *summon witnesses, and thoroughly examine all expenditures and the general management of*  
29 *each department.*

30 **§ 2-6-5. Disobedience of legislative summons as misdemeanor.**

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

1 **§ 2-6-6. Refusal to testify or produce evidence before Legislature as misdemeanor.**

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

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

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

12 **§ 2-6-8. Retirement laws study committee created--Purpose.**

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

16 **§ 2-6-9. Appointment and terms of Retirement Laws Committee members--Political**  
17 **affiliations.**

18 *The Retirement Laws Committee shall consist of five members of the House of*  
19 *Representatives to be appointed by the speaker of the House of Representatives and five*  
20 *members of the Senate to be appointed by the president pro tempore of the Senate. The*  
21 *members of the Retirement Laws Committee shall be appointed biennially for terms expiring*  
22 *on January first of each succeeding odd-numbered year and shall serve until their*  
23 *respective successors are appointed and qualified. No more than three from each legislative*  
24 *body may be from the same political party.*

25 **§ 2-6-10. Officers of Retirement Laws Committee--Staff assistance.**

26 *The Retirement Laws Committee shall select a chairman and vice-chairman and shall be*  
27 *provided with staff assistance from the Legislative Research Council staff.*

28 **§ 2-6-11. Study of retirement laws by committee--Emphasis.**

29 *The Retirement Laws Committee shall continue the study of the retirement and pension laws*  
30 *applicable to employees and officers in government service throughout the state and shall*  
31 *appraise and evaluate existing laws relating to retirement and pension. It shall give*  
32 *particular study and consideration to the financial affairs of the retirement funds and shall*  
33 *recommend revisions in financial provisions and methods of amortizing the accrued*  
34 *liabilities of such funds without impairment of any of the rights and equities of participants*  
35 *and beneficiaries but in conformity with sound and established principles of financing*  
36 *retirement fund obligations.*

1 **§ 2-6-12. Legislative drafts and recommendations by Retirement Laws Committee--**  
2 **Reports--Review of proposals.**

3 *The Retirement Laws Committee shall present legislative drafts to effect sound and*  
4 *equitable public employees retirement programs. The Retirement Laws Committee shall*  
5 *study and make recommendations concerning the extension of retirement coverage to public*  
6 *employees to whom retirement protection has not been accorded. The Retirement Laws*  
7 *Committee shall from time to time report to the Legislature which report shall include but*  
8 *not be limited to the financial soundness of the system. The Retirement Laws Committee*  
9 *shall review all proposed legislation that affects public employee retirement in the state and*  
10 *shall make its report to the Legislature. During the legislative session, however, the*  
11 *standing committees established to review retirement laws legislation shall review proposed*  
12 *legislation that affects public employee retirement.*

13 **§ 2-6-14. Joint Bonding Review Committee established--Agencies subject to review by**  
14 **joint committee.**

15 *An interim joint bonding committee, established pursuant to the rules of the Legislature,*  
16 *shall review the operations, programs, accomplishments and financial status of the South*  
17 *Dakota Housing Development Authority, the South Dakota Health and Educational*  
18 *Facilities Authority, the South Dakota Building Authority, the South Dakota Conservancy*  
19 *District, the South Dakota Railroad Authority, and any other agency, board or commission*  
20 *authorized to conduct statewide programs in the State of South Dakota and to issue bond*  
21 *and note indebtedness.*

22 **§ 2-6-15. Reports by bonding entities to joint committee--Contents--Other assistance.**

23 *Each of the entities shall submit to the joint committee a complete and detailed report no*  
24 *later than December first of each year, setting forth:*

- 25 (1) *Its operations and accomplishments;*  
26 (2) *Its receipts and expenditures during its fiscal year for its operating and capital*  
27 *outlay purposes;*  
28 (3) *Its assets and liabilities at the end of its fiscal year;*  
29 (4) *A schedule of its notes and bonds outstanding at the end of its fiscal year,*  
30 *together with a statement of the amounts redeemed and incurred during such fiscal*  
31 *year; and*  
32 (5) *Information relating to the selection, evaluation and compensation of its*  
33 *professional service providers.*

34 *Each of the entities shall assist the joint committee in a continuous review of programs and*  
35 *projected plans for the entities.*

36 **§ 2-6-16. Reports to joint committee on particular issues of bonds or notes--Contents.**

37 *For each issuance of bonds or notes of any such entity, there shall be provided to the joint*  
38 *committee a report of the details of the issuance, including a citation to the resolution*  
39 *providing for the issuance of the bonds and notes, the use of the proceeds of such issuance,*

1 *the maturity date or dates of the bonds or notes, the interest rate or rates of the bonds or*  
 2 *notes, the anticipated source of revenue from which the bonds or notes are to be repaid, and*  
 3 *the rating, if any, given by a standard rating service on the bonds or notes.*

4 **§ 2-6-17. Detailed accounting to committee on underlying security and investments.**

5 *The joint committee may request at any time a detailed accounting of the security*  
 6 *underlying outstanding bonds or notes, the ability to make timely repayment of bonds or*  
 7 *notes, or the investments of such entity.*

8 **§ 2-6-18. Agency explanation to committee of programs and operations.**

9 *The joint committee may at any time require the governing board, or its designee, of any*  
 10 *such entity to appear before it to provide detailed explanations of the public purpose*  
 11 *underlying any of its programs or detailed explanations of any of its operations or activities.*

12 **§ 2-6-19. Water Development Oversight Committee created--Purpose.**

13 *There is hereby created the Legislative Water Development Oversight Committee. The*  
 14 *committee shall consist of four legislators, one each appointed by the majority and minority*  
 15 *leaders of the Senate and one each appointed by the majority and minority leaders of the*  
 16 *House of Representatives. The committee shall monitor the meetings and actions of the*  
 17 *Board of Water and Natural Resources and the Water Management Board. The secretary of*  
 18 *the Department of Environment and Natural Resources shall cooperate with the members of*  
 19 *the committee and assist them in carrying out their responsibilities. The secretary of the*  
 20 *Department of Environment and Natural Resources shall inform the members of the*  
 21 *committee of the time and place of all meetings of the Board of Water and Natural*  
 22 *Resources and Water Management Board and shall forward to the members of the*  
 23 *committee copies of all materials sent to the members of those boards.*

24 *The committee shall select a chairperson from among its members and shall from time to*  
 25 *time report to the Executive Board of the Legislative Research Council on its activities.*  
 26 *Members of the committee shall receive compensation as would any member of an interim*  
 27 *legislative committee authorized by the Executive Board of the Legislative Research Council*  
 28 *under chapter 2-9.*

29

## RULES

30 **7-1. Committee procedure--Relaxed debate.** The rules of procedure in a committee are  
 31 the same as the rules of the body insofar as the rules are applicable to committee procedure.  
 32 However, as conditions permit, the rules limiting debate may be relaxed to allow free  
 33 discussion and to facilitate the work of the committee. Discussion and debate may be  
 34 permitted by the chair on an amendment that has not been moved.

35 **7-1.1. Subcommittees.** The president pro tempore of the Senate, speaker of the House or a  
 36 chair of a standing committee may designate subcommittees, the number of members to  
 37 serve on each subcommittee, the chair of each subcommittee, the members of the  
 38 subcommittee, and the period of time the subcommittee shall serve.

1 **7-1.2. Committee action on bills and resolutions.** Unless otherwise ordered under Joint  
2 Rule 6D-2, all bills or resolutions shall be referred to one of the standing committees. The  
3 chair of a standing committee may then assign a bill or resolution to a subcommittee of that  
4 standing committee. All subcommittees shall return such bills or resolutions as are assigned  
5 to them for consideration, to the standing committee with or without recommendation and  
6 within the time which will permit the full standing committee to act upon the bill or  
7 resolution.

8 **7-1.3. Meetings open to public.** Subject to Article III, Section 15 of the Constitution, all  
9 committee or subcommittee meetings shall be open to the public.

10 **7-1.4. Posting of agendas.** Agendas of the bills, resolutions, and other proposals to be  
11 considered at any meeting of a standing committee or subcommittee shall be posted on the  
12 bulletin board of the respective house. At least one legislative day shall intervene between  
13 the date of posting and the date of consideration. An agenda must be posted by 5 p.m. in  
14 order to allow for an intervening legislative day. However, if a day of legislative recess  
15 intervenes between the date of posting and the date of consideration, the requirement of  
16 posting is fulfilled only if posting is made prior to adjournment of the session of the  
17 particular house on the day before the legislative recess.

18 **7-1.5. Consideration of matters not posted.** A two-thirds majority of the committee  
19 members present may bring a matter up for consideration at any time.

20 **7-1.6. Formal action required on all legislative proposals.** Standing committees shall  
21 take formal action regarding each legislative proposal submitted for their consideration.

22 **7-1.7. Vote requirement.** Final disposition on a bill or resolution requires a majority vote  
23 of the committee members-elect taken by roll call.

24 **7-1.8. Final disposition.** Final disposition is any action which moves a bill out of a  
25 committee to the floor of a house or to another committee or which removes it from further  
26 consideration by the committee. Examples of final disposition include "Do Pass," "Do Pass,  
27 Amended," "Refer to Another Committee," "Lay on the Table," and "Defer to a Day Certain  
28 Beyond the End of the Session."

29 **7-1.9. Attachment of amendments to bills or resolutions reported unfavorably.** Unless  
30 a bill has been ordered to be delivered pursuant to Joint Rule 7-7, a committee may amend a  
31 bill or resolution that it reports "Do Not Pass" or "Without Recommendation."

32 **7-1.10. Amendment of a previously tabled bill.** If a bill is removed from the table and  
33 amended so that it requires a title amendment, the title must be amended and then the bill  
34 reported for a new hearing pursuant to Joint Rule 7-1.4, unless placed by Joint Rule 7-1.5.

35 **7-2. Committee reports.** Each committee shall report final committee actions on  
36 legislative proposals. The chair of a committee shall sign the reports of the committee and  
37 present them to the body when the call for committee reports is made. The chair is  
38 responsible for the accuracy and propriety of the chair's statements and shall answer any  
39 questions pertaining to the report. This rule does not prohibit the committees on legislative

1 procedure from reporting at any time. Formal actions shall be reported to the body not later  
2 than the next legislative day in an informational committee report which is printed in the  
3 daily journal.

4 **7-3. Reports of select committees.** Select committees to which matters are referred shall in  
5 all cases report a statement of facts and their opinion on the matters to the body.

6 **7-4. Dissenting reports.** If the members of a committee cannot agree on its report, the  
7 majority and minority may each make a report. Any member dissenting in whole or in part  
8 from the reasoning and conclusions of both majority and minority may also present a  
9 statement of the member's reasoning and conclusions. All reports must be decorous in  
10 language and respectful to the house and shall be entered in the journal.

11 **7-5. Filing of committee minutes.** The minutes of all standing committees shall be  
12 prepared and filed on a computerized legislative information system. Computer terminals  
13 shall be available in the Presidents' and Speakers' lobbies of the capitol.

14 **7-6. Contents of committee minutes.** Minutes of standing committees filed pursuant to  
15 Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief  
16 summary of each proposal's major provisions; the committee's action, if any, on each  
17 proposal, including a brief minority report if requested by any committee member; a record  
18 of how each committee member voted when action was taken, including votes on motions to  
19 postpone consideration of proposals; and a list of all persons testifying before the committee  
20 on each proposal and the interest they represent. Minutes of budget hearings conducted by  
21 an appropriations committee may contain a synopsis of testimony received. Minutes shall be  
22 open to the public for inspection.

23 **7-7. Demand for delivery of bill or resolution to house --"Smoke-out."** Each house may  
24 by motion order its committee to deliver a bill or resolution under its consideration to that  
25 house. If the motion is supported by the vote of one-third or more of the members-elect, the  
26 committee shall, not later than the next legislative day, deliver the bill or resolution to the  
27 house with or without recommendation. The bill or resolution shall be delivered to the house  
28 in the same form as it was when it was tabled or deferred to a nonexistent day by the  
29 committee.

30 **7-8. Placement of "smoked-out" bill or resolution on calendar.** If a bill or resolution is  
31 delivered to the House of Representatives or Senate pursuant to Joint Rule 7-7 on the last  
32 day for passage and it was not reported "Do Pass," the bill or resolution may, by motion  
33 approved by a majority of the members-elect of the House of Representatives or Senate, be  
34 placed on that day's calendar.

35 **7-9. Calendar committee.** The calendar committee in the Senate consists of the President  
36 Pro Tempore, the Senate Majority Leader, and the Senate Minority Leader. The calendar  
37 committee in the House consists of the Speaker of the House, the House Majority Leader,  
38 and the House Minority Leader. The committee shall determine the daily legislative  
39 calendar.

1 **7-10. Co-chairs of joint committees.** Chairs of standing committees operating and voting  
2 as joint committees shall serve as co-chairs of the joint committees.

3 **7-11. Introduction of general appropriation bill.** The general appropriation bill shall be  
4 introduced by the Senate Committee on Appropriations in even-numbered years and by the  
5 House Committee on Appropriations in odd-numbered years. The general appropriation bill  
6 shall be introduced no later than the sixteenth legislative day.

7 **7-12. Structure of appropriations committee.** The Senate and House Committees may  
8 meet in joint session or form combined subcommittees to hear agency budget presentations.  
9 All Joint Appropriations Committee action on the general appropriations bill shall be  
10 approved by a majority vote of the Joint Committee unless a member calls for a separate  
11 vote of the House Appropriations Committee and the Senate Appropriations Committee in  
12 which case a majority vote of each committee is required for adoption. Such action shall  
13 constitute the committee report of the house of origin on the general appropriation bill.

14 **7-13. Entertainment of motions.** No motion may be debated until it is seconded.  
15 Following the second of a debatable motion, the chair shall first recognize the member  
16 making the motion. No member of the House of Representatives may make introductory  
17 remarks prior to making a motion.

18 **7-14. Restatement and reading of motions.** When a motion is made and seconded, it shall  
19 be restated by the chair.

20 **7-15. Withdrawal of motions.** After a motion is stated by the chair, it may not be  
21 withdrawn without consent of the members who made and seconded the motion.

22 **7-16. Motions.** When a question is under debate, no motion may be made except the  
23 following motions:

- 24 (1) Adjourn;
- 25 (2) Recess;
- 26 (3) Call the previous question;
- 27 (4) Lay on the table;
- 28 (5) Defer to a day certain beyond the end of the session;
- 29 (6) Do pass;
- 30 (7) Do pass, amended;
- 31 (8) Do not pass;
- 32 (9) Without recommendation;
- 33 (10) Defer to a day certain;
- 34 (11) Refer to another committee;
- 35 (12) Amend;
- 36 (13) Appoint a subcommittee.

37 **7-17. Application and nondebatability of motions to lay on the table.** A motion to lay on  
38 the table which effects a disposition on the merits of any bill or resolution requires the vote  
39 of a majority of the committee members-elect to carry and shall be decided without debate.  
40 No other motion may be made until the members have voted on the motion to lay on the

1 table. Any other motion to lay on the table requires the vote of a majority of the committee  
2 members present and shall be decided without debate. No committee member may make  
3 introductory remarks prior to making a motion to lay on the table.

4 **7-18. Scope of motions to lay on the table.** A motion to lay on the table may be made so  
5 as to apply either to the main question or to a proposed amendment or to the bill and all  
6 pending amendments, and the motion shall clearly state to which it is intended to apply.

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

12 **7-20. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to  
13 motions to table and to defer to a day certain beyond sine die shall be the same except that a  
14 motion to defer to a day certain beyond sine die is debatable. A member of the Senate may  
15 make introductory remarks prior to making a motion to defer to a day certain beyond sine  
16 die.

17 **7-21. Motion to call the previous question.** A motion for the previous question shall be  
18 decided immediately by a majority of the committee members present and without debate.  
19 The motion shall clearly indicate the question to which it applies. No committee member  
20 may make introductory remarks prior to making a motion to call the previous question. The  
21 effect of adopting a motion to call the previous question is to close debate, to prevent the  
22 moving of amendments or other subsidiary motions, and to bring to vote immediately the  
23 question to be voted upon. The effect of defeating a motion to call the previous question is  
24 to allow continuation of debate on the question before the committee.

25 **7-22. Priority of vote after call of the previous question.** After a motion to call the  
26 previous question has prevailed, it is not in order to move to adjourn, prior to a decision of  
27 the question before the committee.

28 **7-23. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer  
29 indefinitely or to refer to another committee is decided in the negative, such motion is not  
30 again in order at the same stage of consideration of the bill or proposition.

31 **7-24. Motion to postpone as final action.** A motion to defer indefinitely or to a date  
32 beyond the sine die adjournment of the Legislature requires the vote of a majority of the  
33 committee members-elect.

34 **7-25. Germaneness of amendments.** No motion to amend a bill is in order unless it is  
35 germane to the subject as expressed in the title of the bill.

36 **7-26. Limitations on number of motions to amend and substitute motions.** When a  
37 motion or proposition is under consideration, a motion to amend and a motion to amend that  
38 amendment is in order. It is also in order to offer a further amendment as a substitute, but  
39 such substitute is not subject to amendment.

1 **7-27. Division of the question.** Any member may call for a division of the question. The  
2 chair shall divide the question if it contains questions so distinct that, one being taken away,  
3 the rest may stand as a separate proposition.

4 **7-28. Committee procedure -- Remote electronic testimony.** During any regular or  
5 special session of the Legislature, a committee may, upon the unanimous consent of the  
6 members present, permit a person to appear from a remote site and give testimony before  
7 the committee by electronic audio/video means.

## 8 **CHAPTER 8. CONFERENCE COMMITTEES**

9 **8-1. Appointment and composition of conference committees.** In every case of  
10 disagreement between the two houses, if either house requests a conference and appoints a  
11 committee for that purpose, the other house shall appoint a committee to confer with a like  
12 committee of the other house upon the subject of the disagreement, and to report back to its  
13 house of appointment. Each conference committee shall consist of three members of each  
14 house. The members from the House of Representative shall be appointed by the speaker of  
15 the House and the members from the Senate shall be appointed by the president pro tempore  
16 of the Senate. Insofar as possible, members appointed to conference committees shall be  
17 representative of the decision within the house upon the issue under consideration.

18 **8-2. Conference committee meetings, committee reports, and reports must be**  
19 **germane.** Conference committees shall meet in open session, and minutes shall be taken  
20 and prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the  
21 house of origin shall announce to that body the time and location of each conference  
22 committee meeting. The co-chairs of each conference committee shall report the results of  
23 each meeting to the body in a conference committee report jointly signed by both. The  
24 conference committee report must be germane to the title of the bill as submitted to the  
25 conference committee. The adoption of any conference committee report constituting final  
26 disposition must be approved by the recorded affirmative vote of at least two members from  
27 each house.

28 **8-3. Final disposition of report and distribution of reports.** Adoption of a conference  
29 committee report recommending passage of a bill or adoption of a resolution constitutes  
30 final disposition. The vote required to concur in the amendments of the other House or to  
31 adopt a conference committee report shall be the same as that required for final passage of  
32 the bill or resolution taking such bill or resolution as a whole. Before the final vote on the  
33 adoption of a conference committee report may be taken, any member of the body may  
34 require that the report be distributed in written form to the members of the body.

35 **8-4. Member may move to not appoint a subsequent conference committee--Final**  
36 **disposition.** However, if a conference committee report is not adopted, any member may  
37 move not to appoint a new conference committee. If that motion prevails it constitutes final  
38 disposition of that bill or resolution.



1 *dollars per hour for each hour's delay to be deducted from any sum due him on the contract,*  
2 *or recovered from his performance bond in the event such deduction from contract cannot*  
3 *be made. The director of the Legislative Research Council may waive the penalty provisions*  
4 *of this section if failure to deliver the daily journals as required is due to circumstances*  
5 *which the director considers to be sufficiently extenuating.*

6 **§ 2-7-10. Permanent journals as official record of proceedings**

7 *The corrected daily copies of the journal of the Senate and House of Representatives,*  
8 *together with the index thereof, shall constitute, and be the official permanent record of the*  
9 *legislative proceedings.*

10 **§ 2-7-11. Time of delivery of permanent journals--Distribution and price.**

11 *The contractor for printing the journal indexes of the Legislature shall deliver them to the*  
12 *Legislative Research Council within ninety days after copy therefor has been furnished. The*  
13 *Legislative Research Council shall provide for the distribution of the journals. Price and*  
14 *distribution of the journal indexes shall be determined by a joint-select committee of the*  
15 *Legislature.*

16 **§ 2-7-12. Certified copies of journals as prima facie evidence of proceedings.**

17 *Duly certified copies of such journals shall be received in all courts of the state as original*  
18 *evidence, and the volumes wherein the same are published by authority of the state, shall be*  
19 *prima facie evidence of such proceedings.*

20

## RULES

21 **10-1. Daily journal.** A journal of each house shall be made available daily and laid upon  
22 the desks of the members and officers the following morning. The journal need not be read  
23 unless ordered. The secretary of the Senate and the chief clerk of the House shall report on  
24 the correctness of the journal to the committees on legislative procedure. The committees on  
25 legislative procedure shall in turn report to their respective houses.

26 **10-2. Journal contents.** In keeping a correct journal, the secretary of the Senate and the  
27 chief clerk of the House shall record in the journals of their respective houses the motions,  
28 resolutions, rules and decisions of the respective houses.

29 **10-3. Journal format and certification.** The secretary of the Senate and the chief clerk of  
30 the House shall each furnish a corrected copy of their respective compiled daily journals to  
31 the printer having the contract for the printing of the journals. The secretary and the chief  
32 clerk shall preface the journals by a title to appear on the first page of the permanent  
33 volumes of the journals, substantially as follows:

1 (Proceedings of the Senate or  
2 House of Representatives)  
3 of the  
4 Legislative Session  
5 State of South Dakota

6 (Seal of State)  
7 Begun and Held at Pierre South Dakota  
8 on

9 Tuesday, January \_\_\_\_ 20\_\_  
10 and Concluded

11 \_\_\_\_\_ March, \_\_\_\_\_ 20\_\_  
12 Published under the Direction and  
13 Authority of the Legislature

14 On the second page of the journal the secretary or chief clerk shall certify that the record  
15 contains a full, true, and correct proceeding of the legislative session.

16 One copy each of the daily permanent journals of the House and Senate shall be certified as  
17 follows:

18 I hereby certify that the following (Senate or House) journal of the  
19 \_\_\_\_\_ legislative day is correct.

20 Secretary of the Senate  
21 (or Chief Clerk of the House)

22 The certified copies shall be filed with the secretary of state not later than forty days after  
23 the adjournment of the Legislature.

## 24 CHAPTER 11. RULES

25 **11-1. Joint rule suspension or amendment.** No joint rule may be suspended or amended  
26 without the concurrence of a two-thirds majority of the members-elect of either house. The  
27 final vote on any amendment may not be taken upon the same day it was offered.

28 **11-2. Adopting joint rules.** A joint rule may be adopted by concurrence of a majority of  
29 the members-elect of each house.

30 **11-3. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative*  
31 *Procedure* governs the proceedings of the Senate and the House of Representatives in all  
32 cases not covered by these rules.

1                   **CHAPTER 12. VOTING REQUIREMENTS AND PROCEDURE**

2                                   **CONSTITUTIONAL PROVISIONS**

3    ***Article III, § 18. Enacting clause - Assent by majority--Recording of votes.***

4    *THE ENACTING CLAUSE OF A LAW SHALL BE: "BE IT ENACTED BY THE*  
5    *LEGISLATURE OF THE STATE OF SOUTH DAKOTA" AND NO LAW SHALL BE*  
6    *PASSED UNLESS BY ASSENT OF A MAJORITY OF ALL THE MEMBERS ELECTED TO*  
7    *EACH HOUSE OF THE LEGISLATURE. AND THE QUESTION UPON THE FINAL*  
8    *PASSAGE SHALL BE TAKEN UPON ITS LAST READING, AND THE YEAS AND NAYS*  
9    *SHALL BE ENTERED UPON THE JOURNAL.*

10 ***Art. XI, § 14. Vote required to impose or increase taxes.***

11 *THE RATE OF TAXATION IMPOSED BY THE STATE OF SOUTH DAKOTA IN REGARD*  
12 *TO ANY TAX MAY NOT BE INCREASED AND NO NEW TAX MAY BE IMPOSED BY THE*  
13 *STATE OF SOUTH DAKOTA UNLESS BY CONSENT OF THE PEOPLE BY EXERCISE*  
14 *OF THEIR RIGHT OF INITIATIVE OR BY A TWO-THIRDS VOTE OF ALL THE*  
15 *MEMBERS ELECT OF EACH BRANCH OF THE LEGISLATURE.*

16 ***Article XII, § 2. Contents of general appropriation bill--Separate appropriation bills.***

17 *THE GENERAL APPROPRIATION BILL SHALL EMBRACE NOTHING BUT*  
18 *APPROPRIATIONS FOR ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE*  
19 *AND JUDICIAL DEPARTMENTS OF THE STATE, THE CURRENT EXPENSES OF*  
20 *STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON*  
21 *SCHOOLS. ALL OTHER APPROPRIATIONS SHALL BE MADE BY SEPARATE BILLS,*  
22 *EACH EMBRACING BUT ONE OBJECT, AND SHALL REQUIRE A TWO-THIRDS VOTE*  
23 *OF ALL THE MEMBERS OF EACH BRANCH OF THE LEGISLATURE.*

24 ***Article XXIII, § 1. Amendments.***

25 *AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED BY INITIATIVE OR BY*  
26 *A MAJORITY VOTE OF ALL MEMBERS OF EACH HOUSE OF THE LEGISLATURE. AN*  
27 *AMENDMENT PROPOSED BY INITIATIVE SHALL REQUIRE A PETITION SIGNED BY*  
28 *QUALIFIED VOTERS EQUAL IN NUMBER TO AT LEAST TEN PER CENT OF THE*  
29 *TOTAL VOTES CAST FOR GOVERNOR IN THE LAST GUBERNATORIAL ELECTION.*  
30 *THE PETITION CONTAINING THE TEXT OF THE PROPOSED AMENDMENT AND*  
31 *THE NAMES AND ADDRESSES OF ITS SPONSORS SHALL BE FILED AT LEAST ONE*  
32 *YEAR BEFORE THE NEXT GENERAL ELECTION AT WHICH THE PROPOSED*  
33 *AMENDMENT IS SUBMITTED TO THE VOTERS. A PROPOSED AMENDMENT MAY*  
34 *AMEND ONE OR MORE ARTICLES AND RELATED SUBJECT MATTER IN OTHER*  
35 *ARTICLES AS NECESSARY TO ACCOMPLISH THE OBJECTIVES OF THE*  
36 *AMENDMENT.*



1 Senate or the chief clerk of the House of Representatives, on the consent calendar, upon an  
2 affirmative vote therefor of all the members present of the committee reporting the bill or  
3 resolution to its respective house. Upon objection of any member to the placement or  
4 retention of any bill or resolution on the consent calendar, the bill or resolution shall be  
5 removed from the consent calendar and may be placed on the house calendar for second  
6 reading on the following legislative day. No consent calendar bill or resolution may be  
7 considered for adoption until the legislative day following the day of its placement on the  
8 consent calendar.

9 **13-3. Consent calendar scheduling.** The calendar committee in each house may schedule  
10 consent calendar bills and resolutions at any time.

11 **13-4. Consent calendar items--Questions, voting.** Bills and resolutions on the consent  
12 calendar are not debatable. The president of the Senate or the speaker of the House of  
13 Representatives shall allow a reasonable time for questions from the floor and shall permit  
14 the proponents of the bills or resolutions to answer the questions. Immediately before voting  
15 on the first bill or resolution on the consent calendar, the president of the Senate or the  
16 speaker of the House of Representatives shall call to the attention of the members the fact  
17 that the next roll call will be the roll call on the bill or resolution on the consent calendar.

## 18 **CHAPTER 14. EFFECTIVE DATE OF LEGISLATION AND VETO** 19 **CONSIDERATIONS**

### 20 **CONSTITUTIONAL PROVISIONS**

21 *Article III, § 22. Effective date of acts--Emergency clause.*

22 *NO ACT SHALL TAKE EFFECT UNTIL NINETY DAYS AFTER THE ADJOURNMENT OF*  
23 *THE SESSION AT WHICH IT PASSED, UNLESS IN CASE OF EMERGENCY, (TO BE*  
24 *EXPRESSED IN THE PREAMBLE OR BODY OF THE ACT) THE LEGISLATURE SHALL*  
25 *BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED OF EACH HOUSE,*  
26 *OTHERWISE DIRECT.*

27 *Article IV, § 4, Par. 1, 2, 3, 4. Veto power.*

28 *WHENEVER THE LEGISLATURE IS IN SESSION, ANY BILL PRESENTED TO THE*  
29 *GOVERNOR FOR SIGNATURE SHALL BECOME LAW WHEN THE GOVERNOR SIGNS*  
30 *THE BILL OR FAILS TO VETO THE BILL WITHIN FIVE DAYS, NOT INCLUDING*  
31 *SATURDAYS, SUNDAYS, OR HOLIDAYS, OF PRESENTATION. A VETOED BILL SHALL*  
32 *BE RETURNED BY THE GOVERNOR TO THE LEGISLATURE TOGETHER WITH THE*  
33 *GOVERNOR'S OBJECTIONS WITHIN FIVE DAYS, NOT INCLUDING SATURDAYS,*  
34 *SUNDAYS, OR HOLIDAYS, OF PRESENTATION IF THE LEGISLATURE IS IN SESSION*  
35 *OR UPON THE RECONVENING OF THE LEGISLATURE FROM A RECESS. ANY*  
36 *VETOED BILL SHALL BE RECONSIDERED BY THE LEGISLATURE AND, IF TWO-*  
37 *THIRDS OF ALL MEMBERS OF EACH HOUSE SHALL PASS THE BILL, IT SHALL*  
38 *BECOME LAW.*

1 *WHENEVER A BILL HAS BEEN PRESENTED TO THE GOVERNOR AND THE*  
2 *LEGISLATURE HAS ADJOURNED SINE DIE OR RECESSED FOR MORE THAN FIVE*  
3 *DAYS WITHIN FIVE DAYS FROM PRESENTATION, THE BILL SHALL BECOME LAW*  
4 *WHEN THE GOVERNOR SIGNS THE BILL OR FAILS TO VETO IT WITHIN FIFTEEN*  
5 *DAYS AFTER SUCH ADJOURNMENT OR START OF THE RECESS.*

6 *THE GOVERNOR MAY STRIKE ANY ITEMS OF ANY BILL PASSED BY THE*  
7 *LEGISLATURE MAKING APPROPRIATIONS. THE PROCEDURE FOR*  
8 *RECONSIDERING ITEMS STRUCK BY THE GOVERNOR SHALL BE THE SAME AS IS*  
9 *PRESCRIBED FOR THE PASSAGE OF BILLS OVER THE EXECUTIVE VETO. ALL*  
10 *ITEMS NOT STRUCK SHALL BECOME LAW AS PROVIDED HEREIN.*

11 *BILLS WITH ERRORS IN STYLE OR FORM MAY BE RETURNED TO THE*  
12 *LEGISLATURE BY THE GOVERNOR WITH SPECIFIC RECOMMENDATIONS FOR*  
13 *CHANGE. BILLS RETURNED SHALL BE TREATED IN THE SAME MANNER AS*  
14 *VETOED BILLS EXCEPT THAT SPECIFIC RECOMMENDATIONS FOR CHANGE AS TO*  
15 *STYLE OR FORM MAY BE APPROVED BY A MAJORITY VOTE OF ALL THE MEMBERS*  
16 *OF EACH HOUSE. IF THE GOVERNOR CERTIFIES THAT THE BILL CONFORMS*  
17 *WITH THE GOVERNOR'S SPECIFIC RECOMMENDATIONS, THE BILL SHALL*  
18 *BECOME LAW. IF THE GOVERNOR FAILS TO CERTIFY THE BILL, IT SHALL BE*  
19 *RETURNED TO THE LEGISLATURE AS A VETOED BILL.*

## 20 **STATUTORY PROVISIONS**

### 21 **§ 2-14-16. Effective date of legislative acts.**

22 *Subject to the provisions of the Constitution and statutes relating to vetoes and the*  
23 *referendum, an act of the Legislature which does not prescribe when it shall take effect, if*  
24 *passed at a regular session, takes effect on the first day of July after its passage and if*  
25 *passed at a special session on the ninety-first day after the final adjournment of such*  
26 *session.*

### 27 **§ 2-7-20.1. Certificate of conformity by Legislature in form and style.**

28 *Whenever the Governor certifies, pursuant to paragraph four of section 4 of article IV of the*  
29 *Constitution, that the Legislature has conformed a bill to his recommendations, that*  
30 *certificate shall be typed and signed on the enrolled bill.*

### 31 **§ 2-7-20.2. Veto of bills passed before last four session days--Message to house of origin--** 32 **Reconsideration--Filing with secretary of state.**

33 *Whenever the Governor vetoes any bill or any items of a bill which was presented to him*  
34 *five or more calendar days before an adjournment or a recess of the Legislature, he shall*  
35 *transmit his veto message with the original bill to the secretary of the Senate or chief clerk*  
36 *of the House of Representatives, whichever was the house of origin, on the date of his*  
37 *exercise of the power but no later than noon on the last legislative day prior to adjournment*  
38 *or recess. The officer of the house receiving the veto message shall certify on the original*  
39 *copy of the bill whether reconsideration was had and the vote on any reconsideration and*

1 *shall transmit the bill and veto message to the secretary of state for filing when the time for*  
2 *reconsideration has passed.*

3 **§ 2-7-20.3. Veto of bills too late for return to Legislature--Transmittal to secretary of**  
4 **state**

5 *Whenever the Governor vetoes a bill or any items of a bill which was presented to him*  
6 *during the final four days preceding an adjournment or a recess and it cannot be*  
7 *transmitted to the house of origin in session, he shall transmit the original bill and his veto*  
8 *message to the secretary of state within one day following his veto but no later than the*  
9 *sixteenth day following adjournment or recess.*

10 **§ 2-7-20.4. Bills becoming law without Governor's signature or objections.**

11 *Whenever the Governor fails to veto any bill which shall become law without his signature*  
12 *or the certificate referred to in § 2-7-20.1, he shall deliver it to the secretary of state who*  
13 *shall note, beneath the signature line provided for the Governor, that it was delivered by the*  
14 *Governor without his signature and without his objections. No communication relating to*  
15 *his reasons for not signing the bill shall be filed or recorded by the secretary of state.*

## 16 **CHAPTER 15. INTERHOUSE COMMUNICATIONS AND TRANSMISSIONS**

17 **15-1. Communications by messages.** Any communication between the Senate and the  
18 House of Representatives shall be by message which shall be signed by the secretary or  
19 chief clerk, respectively, and sent to the house to which it is addressed.

20 **15-2. Notification of bill or resolution rejection.** If a bill or joint resolution which has  
21 passed one house is rejected by the other, the house of origin shall be immediately notified  
22 of this action.

23 **15-3. Notification of bill or resolution deferred to 36th or 41st day.** If the consideration  
24 of any bill or joint resolution which originated in one house shall be postponed in the other  
25 house to a day so distant that it will not be taken up again by the present session, the house  
26 of origin shall be immediately notified of such action.

## 27 **CHAPTER 16. JOINT SESSION**

28 **16-1. Organization of a joint session.** While the two houses are acting together on any  
29 matter, the president of the Senate shall preside and all questions of order shall be decided  
30 by the president, subject to an appeal of both houses, as though but one body was in session.

31 **16-2. Call of the house.** A call of the members of either house may be had in joint session  
32 by order of the house in which the call is desired.

33 **16-3. Recording of the proceedings.** The secretary of the Senate and the chief clerk of the  
34 House shall be the clerks of the joint session and keep a record of the proceedings and enter  
35 the record in the journals of the Senate or of the House.

1 **16-4. Motion to defer or adjourn.** Any motion to defer or adjourn shall be decided by a  
 2 joint vote of both houses, and, if required, the yeas and nays shall be entered upon the  
 3 journals of both houses.

4 **16-5. Suspension of floor privileges.** During a joint session, former Governors, Lieutenant  
 5 Governors, members of the Congress of the United States from South Dakota and former  
 6 members of the South Dakota Legislature will not be admitted to the chamber. The  
 7 presiding officer will instruct the sergeant at arms to provide a reserve seating section in the  
 8 chamber gallery for these former officials who wish to witness the joint session.

9 **CHAPTER 17. LEGISLATIVE DEADLINES**

<b>Legislative Deadlines</b>		
<b>Legislative Action</b>	<b>40 Day Session</b>	<b>33 Day Session</b>
Final day for introduction of individual bills and joint resolutions	15 <sup>th</sup> Day	10 <sup>th</sup> Day
Final day for introduction of committee bills and joint resolutions*	16 <sup>th</sup> Day	11 <sup>th</sup> Day
Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 <sup>th</sup> Day	19 <sup>th</sup> Day
Last day to move required delivery of bills or resolutions by a committee to the house of origin*	27 <sup>th</sup> Day	20 <sup>th</sup> Day
Last day to pass bills or joint resolutions by the house of origin*	28 <sup>th</sup> Day	21 <sup>st</sup> Day
Final day for introduction of concurrent resolutions	28 <sup>th</sup> Day	26 <sup>th</sup> Day
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 on	27 <sup>th</sup> Day on
Last day to move required delivery of bills or resolutions by a committee to the second house*	35 <sup>th</sup> Day	28 <sup>th</sup> Day
Last day for a bill or joint resolution to pass both houses*	36 <sup>th</sup> Day	29 <sup>th</sup> Day
Two days preceding the final two days of a legislative session shall be reserved for concurrences or action upon conference committee reports	37 <sup>th</sup> Day 38 <sup>th</sup> Day	30 <sup>th</sup> Day 31 <sup>st</sup> Day
The final day of a legislative session is reserved for the consideration of vetoes	40 <sup>th</sup> Day	33 <sup>rd</sup> Day
* This deadline does not apply to the general appropriations bill.		

36 **17-1. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-  
 37 six (36) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in  
 38 Chapter 17 of the Joint Rules for a thirty-five (35) day session shall be increased by the  
 39 same number of days by which the length of the adopted calendar exceeds thirty-five  
 40 (35) days.