

# Ninetieth Legislative Session

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### CHAPTER 1. PRESIDING OFFICER

#### CONSTITUTIONAL PROVISIONS

*Art. IV, Sec. 5. Powers and duties of lieutenant governor.*

*THE LIEUTENANT GOVERNOR SHALL BE PRESIDENT OF THE SENATE BUT SHALL HAVE NO VOTE UNLESS THE SENATORS BE EQUALLY DIVIDED.*

#### RULES

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

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

### CHAPTER 2. FLOOR PRIVILEGES, SEATING, AND MEETINGS

**S2-1. Repealed.**

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

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

**S2-4. Introduction of honored guests.** Any Senator may, with the prior approval of the presiding officer, present honored guests for introduction on the floor of the chamber. Any honored guest should be a representative of some noteworthy event, charity, or benevolent organization or the recipient of some significant honor, title, or award and shall be briefly

conducted onto the Senate floor from the legislators' side lobby. However, all such presentations may only occur during the first hour of business, and the honored guests may not address any remarks to the Senate. Introduction shall be made by the presiding officer or their designee.

### **CHAPTER 3. OFFICERS AND EMPLOYEES**

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

### **CHAPTER 4. COMMITTEES**

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

1. Agriculture and Natural Resources (9)
2. Appropriations (9)
3. Commerce and Energy (7)
4. Education (7)
5. Government Operations and Audit (5)
6. Health and Human Services (7)
7. Judiciary (7)
8. Legislative Procedure (7)
9. Local Government (7)
10. Retirement Laws (5)
11. State Affairs (9)
12. Taxation (7)
13. Transportation (7)

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

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

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

### **CHAPTER 5. RULES**

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

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

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

## CHAPTER 6. CONSENT CALENDAR

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

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

## CHAPTER 7. NOMINATIONS FROM THE GOVERNOR

**S7-1. Confirmation procedure.** Nominations from the Governor shall be referred to a standing or select committee. A committee receiving such a referral shall conduct hearings on the fitness and qualifications of the nominee to serve in the post for which the nominee has been nominated. After the hearings and subsequent deliberations, the committee shall report to the full Senate its recommendation that the nomination should or should not receive the consent of the Senate. Following the committee report, action on the confirmation shall be set for a day certain on the legislative calendar. In committee and on the floor, consideration of the Governor's appointments that require Senate confirmation shall take place in open session unless otherwise ordered by a majority of the body present.

**S7-2. Time for taking final action.** Final action on nominations by the Governor may not be taken until the second legislative day after receiving the nomination. This rule does not apply to a nomination received during the three final legislative days.

**S7-2.1. Uncontested nomination on consent calendar.** Each standing committee may report an uncontested nomination out of committee with recommendation that it be placed on the consent calendar where it shall be subject to Joint Rules 13-2, 13-3, and 13-4.

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

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

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

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

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

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

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

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

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

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

"I do solemnly swear (affirm) that in all things appertaining to the matter referred to this select committee, I will do impartial justice according to the Constitution, laws, Joint Rules, and Senate Rules of the State of South Dakota. I do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Senate Select Committee on Discipline and Expulsion in the aforesaid matter, according to the best of my ability and understanding, so help me God."

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

The Select Committee on Discipline and Expulsion shall:

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

- (2) Invite the member who is the subject of the hearing to attend all meetings of the committee in person and to be accompanied by legal counsel, or to be represented at the hearings by legal counsel of the member's choice and at the member's own expense;
- (3) Afford the member full opportunity to present the member's position, to present witnesses in support of the member's position, and extend the opportunity to confront and to question witnesses called by the committee;
- (4) Advise the member immediately of the date and time of each meeting, in cases where the committee adjourns prior to completing its work and submitting its report to the Senate.

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

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

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

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

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

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