

HOUSE RULES Table of Contents

CHAPTER 1. PRESIDING OFFICER
CHAPTER 2. DECORUM
CHAPTER 3. COMMITTEES
CHAPTER 4. RULES
CHAPTER 5. VOTING PROCEDURE

CHAPTER 1. PRESIDING OFFICER

STATUTORY PROVISIONS

§ 2-5-3. Elective officers of house.

The elective officers of the house of representatives shall be a speaker and a speaker pro tempore, who shall be members of that body, one chief clerk and such other officers as shall be necessary to properly conduct the business of the house of representatives.

§ 2-5-3.1. Tie vote for organizing house of representatives.

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

RULES

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

H1-2. Actions of the speaker pro tempore, other presiding officers. The speaker pro tempore shall act as presiding officer of the House of Representatives if the speaker is absent or unable to serve. The acts of the speaker pro tempore have the same validity as those of the speaker. If the speaker and the speaker pro tempore are absent or unable to serve, any member called to the chair by the House of Representatives 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 member's actions have the same validity as those of the speaker.

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

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

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

CHAPTER 2. DECORUM

H2-1. **Access to chambers and lobbies.** Except as otherwise provided in Joint Rule 2-1, no person, except current legislators and legislative employees, may enter the chamber of the House of Representatives or space reserved for members of the Legislature adjacent to the chamber at any time during a session or for the period of three hours preceding a session except upon invitation of a member of the House. However, under no circumstances may a lobbyist enter the chamber or reserved space for a period of three hours preceding a session or thirty minutes after adjournment of the House of Representatives.

H2-2. **Speaker's power to maintain order.** The Speaker may have any member of the House temporarily removed in order to preserve order and decorum.

H2-3. **Disciplinary committee regarding misconduct.** Either upon written motion from the floor or a written complaint of disorderly conduct of any member filed with the speaker by any two members and made within two legislative days following the alleged misconduct, the Speaker may appoint a disciplinary committee for purposes of receiving testimony and evidence regarding the alleged misconduct. The committee shall report its findings and recommendations to the body within three legislative days following the appointment of the committee. The committee may dismiss the complaint or in addition to, or in lieu of, expulsion under Joint Rule 1-11, recommend appropriate sanctions, including but not limited to, restricting or withholding a member's speaking privileges on the floor for a reasonable period of time, direct that an apology be made to the body, issue an oral or written reprimand, or issue such other punishment as the committee deems appropriate. The committee report setting forth such recommendation may not be amended but shall be subject to the approval of a majority vote of the members-elect.

CHAPTER 3. COMMITTEES

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

1. Agriculture and Natural Resources (13)
2. Appropriations (9)

3. Commerce (13)
4. Education (15)
5. Government Operations and Audit (5)
6. Health and Human Services (13)
7. Judiciary (13)
8. Legislative Procedure (7)
9. Local Government (13)
10. Retirement Laws (5)
11. State Affairs (13)
12. Taxation (15)
13. Transportation (13)

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

CHAPTER 4. RULES

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

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

H4-3. Conflicting rules. If the rules of the House of Representatives and the joint rules conflict, the rules of the House of Representatives govern.

CHAPTER 5. VOTING PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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