The Legislative Committee

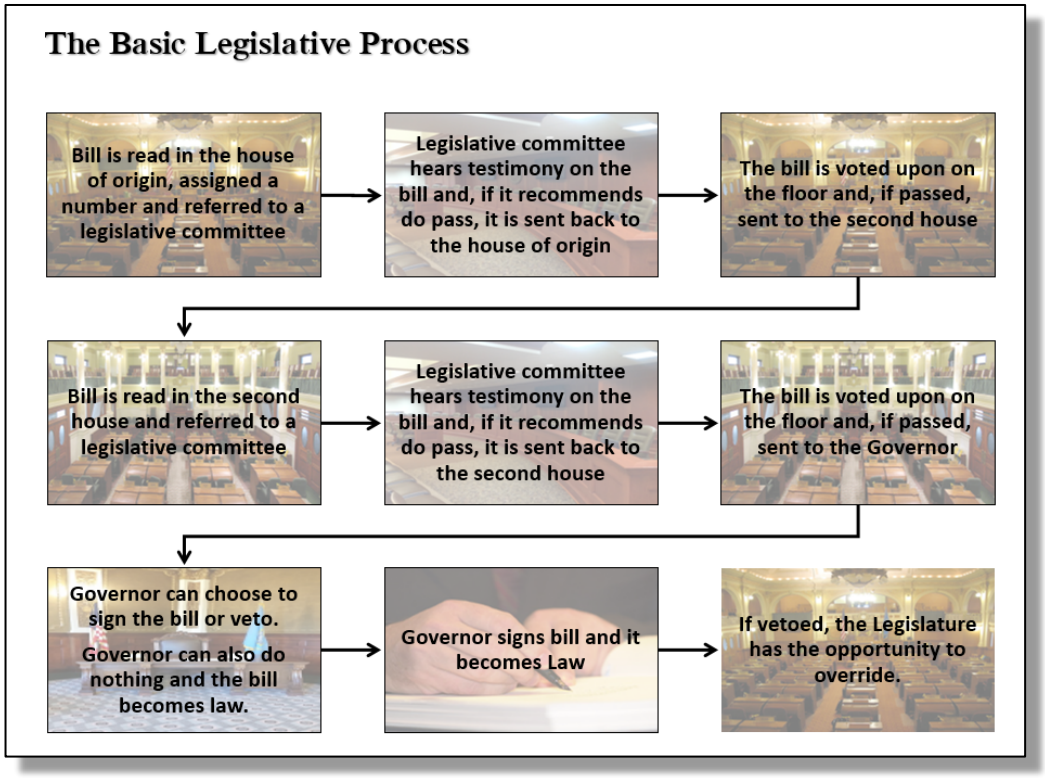
SOUTH DAKOTA LEGISLATURE
LEGISLATIVE RESEARCH COUNCIL

STUDENT REFERENCE SERIES
6

If it were not for committees, the Legislature would probably be in session all year. It would take that long for the entire Senate and the entire House of Representatives to scrutinize and take public testimony on every bill. Fortunately, however, the workload in each house is divided among several subunits. These subunits are the standing committees. Their primary role in the legislative process is to thoroughly examine the bills assigned to them and recommend if those bills should become law.

There are fourteen standing committees in the House and fourteen in the Senate. Most Senate committees consist of seven or nine senators. The President Pro Tempore, with advice from the Majority Leader and Minority Leader, selects the members of each Senate committee and the chair and vice-chair. Most House committees consist of thirteen or fifteen representatives. The Speaker of the House, with advice from the Majority Leader and Minority Leader, selects the members of the House committees and the chair and vice-chair. Most legislators are members of two committees. Some serve on more than two committees, but that is rare due to the fact that two or three committees are usually meeting at the same time.

From a political standpoint, the composition of each standing committee mirrors the composition of the house as a whole. For example, if a party holds a two-thirds majority in the Senate that party would also hold a two-thirds majority in each of the Senate standing committees. The same is true for the House standing committees.



The committees are divided by subject matter. Following the introduction and first reading of a bill in either house, the presiding officer assigns it to a committee based on the subject matter. Generally, bills dealing with certain subjects are assigned to the same committee.

For example, there are transportation committees in both houses, which ordinarily receive bills regarding state highways, railroads, aviation, and other topics related to transportation. However, the committee assignment of a particular bill is not always predictable due to the fact that the presiding officers may assign any bill to any committee.

The following is a list of standing committees in both houses and some of the subjects they cover.

Standing Legislative Committees:

Agriculture and Natural Resources

Bills related to the production and distribution of agricultural products; soil conservation; animals and livestock; the State Fair; regulation of grain elevators, pesticide and fertilizer dealers, and livestock auctions; weather modification; and brand inspection. Bills also related to game, fish and parks; mining; water development and irrigation; forestry; environmental protection; energy conservation; and trespass laws.

Appropriations

This committee writes the general appropriations bill, which funds the ordinary expenses of all departments of state government; all bills for special appropriation of state revenues; and bills related to the appropriation process. The House and Senate Appropriations Committees may meet jointly as the Joint Committee on Appropriations.

Commerce and Energy

Bills related to insurance; banking; investment; loans and interest; labor; liquor; mercantile transactions; regulation of professions and occupations engaged in commerce; the Uniform Commercial Code; Occupational Safety and Health Administration (OSHA); corporations; property; litter; minimum wage; and renewable energy sources (wind, solar, and hydroelectric).

Education

Bills related to school districts; the finance, operation and curriculum of public schools; the teaching profession; special education; higher education; the Board of Regents; the Department of Education; and technical Institutes.

Government Operations and Audit

Bills related to legislative auditing, and state and local government departments and agencies.

Health and Human Services

Bills related to health matters; mental illness; drugs; chemical dependency; the aged and disabled; the medical and nursing professions; medical malpractice; welfare assistance; regulation of hospitals and nursing homes; state institutions for the mentally disabled, mentally ill, blind, and deaf; spousal abuse; and abortion.

Judiciary

Bills related to the courts and court administration; the legal profession; crimes; criminal procedure; law enforcement; personal rights; civil law and procedure; domestic relations; succession and probate; guardianship; administrative procedures; prisons and jails; Code Commission; and human rights.

Standing Legislative Committees (continued):

Legislative Procedure

Bills related to legislative procedures; the Legislative Research Council; and basic housekeeping matters during the legislative session.

Local Government

Bills related to the organization and administration of county, municipal, and township governments; special districts; elections; and planning and zoning.

Military and Veterans Affairs

Bills related to military and veterans issues.

Retirement Laws

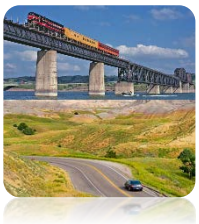
Bills related to the pensions, annuities, and benefits of employees and officers in public service.

State Affairs

Bills related to the organization of the executive branch of state government; policy decisions of widespread state concern; public employees; worker's compensation; public fiscal administration; veterans and military affairs; the state Legislature; the South Dakota Constitution; relations with the Indian tribes; the state building authorities and state authorized bonds; and regulation of electrical and telephone utilities.

Taxation

Bills related to the levying and collection of property, sales and other taxes; assessment procedures; tax levies; classification of property; and special excise taxes.



Transportation

Bills related to highways and bridges; motor vehicles; public safety; regulation of motor carriers; traffic ordinances; railroads; aviation; and licensing.

In addition to the standing committees, there are also select committees, which are generally composed of three members from each house. Select committees are appointed periodically to perform specific tasks such as arranging for a joint session of the Legislature, determining the compensation of legislative employees, or notifying the Governor that the Legislature has completed its work for the year.

Once a bill is assigned to a committee, the chair decides when the bill will be heard, and the bill is placed on the agenda for that particular meeting. An agenda is prepared for each meeting.

The committees in the Senate and the House meet during the morning hours of each legislative day. Some of them meet three times a week, and others meet twice a week. As the legislative session progresses, some of the committees are unable to complete their work within the allotted time and must schedule additional meetings. Each committee is staffed by at least one research analyst or fiscal analyst from the Legislative Research Council and a committee secretary.

Committee meetings are open to the public. They are held in meeting rooms within the State Capitol. Seating is available on a first come, first served basis. In addition to the meetings being open to the public, the committee agendas and minutes are available online. Live audio streaming, as well as audio archives, are available through the Legislative Research Council website: www.sdlegislature.gov

Committees usually discuss several bills at each meeting. The same general procedure is routinely followed on each bill, though there are sometimes extenuating circumstances which might alter the procedure. The chair or vice chair presides over the meeting within the rules of the Legislature.

The Committee Process

- **Sponsor presents the bill.**
- **Public Testimony**
  - Proponent Testimony
  - Opponent Testimony
- **Committee Discussion**
- **Committee Recommendation**
- **Committee Final Action**

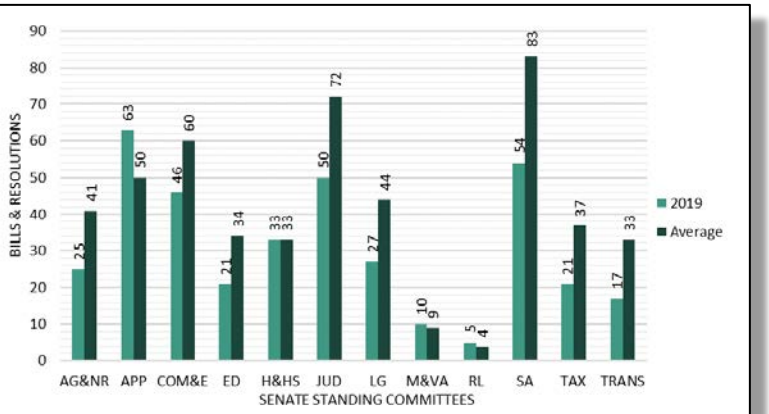
First, the legislator sponsoring the bill, or someone he or she designates, presents the bill to the committee. This involves explaining the bill and the reason why it was introduced. The committee may then take public testimony on the bill. Proponents speak first, then opponents. The testimony comes from a variety of sources. Most often, testimony comes from lobbyists, or individuals hired to promote the views of a group, organization, or industry on measures considered by the Legislature. Other legislators may also share their views. Testimony also comes from members of the general public. Anyone is free to express an opinion during the committee process whether they are in favor of a bill or against it. The person who presented the bill is often allowed to make closing comments. Upon completion of the public testimony, members of the committee then discuss the bill. During the discussion, committee members may ask questions of those who have testified, express their opinions on the merits of the bill, and offer amendments to the bill. Some amendments may change a bill entirely, and these are known as hoghouse amendments. A hoghouse amendment involves deleting the entire content of a bill and replacing it with different material. Next, the committee must take action on the bill.

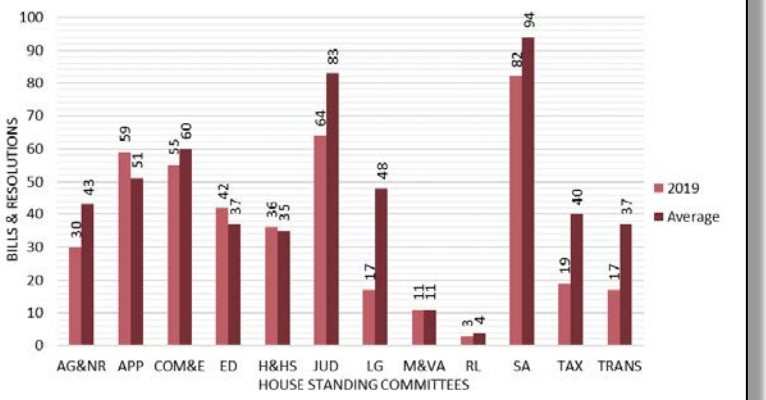
The committee can send it back to the floor with one of the following recommendations:

1. **DO PASS** which means the committee recommends the bill pass in its original form.
2. **DO PASS AMENDED** which means the committee recommends the bill pass, not in its original form, but in an altered form set out by the committee.
3. **DO NOT PASS** which means the committee does not recommend its passage.
4. **WITHOUT RECOMMENDATION** which means the committee cannot come to a consensus, but feels the entire house should determine whether it should pass.

In addition to the above-mentioned recommendations, a committee is able to kill a bill, or prevent it from getting any further in the process, in two different ways. First, a committee can table it, which postpones further discussion on the bill until such time as a majority of members of the committee vote to have it brought up for discussion once again. Secondly, a committee can kill a bill by postponing it to the nonexistant 41st Day. The Legislature cannot meet for more than forty legislative days.

The action of the committee must be reported to the entire house. All final actions taken on bills by standing committees require a majority vote of the members-elect. This means that a majority of the entire membership of the committee is needed, not just a majority of those present at that particular meeting. If there is unanimous agreement that a certain bill be recommended "do pass" or "do pass amended," and the bill does not require a two-thirds vote for passage, the committee can recommend that the bill be placed on the consent calendar of the particular house. There is no debate allowed on consent calendar bills, however any member can have a bill removed from the consent calendar and placed on the next day's debate calendar.





Source: 2019 Statistical Comparison, SD Legislative Research Council

Key Resources:
Statistical Comparison

Key Terms:
adjournment
agenda
amendment
bill
chair
committee report
committees
do not pass
do pass
do pass amended
hoghouse
joint session
lay on the table
minutes
opponent
procedures
proponent
rules
select committees
without recommendation

Did you know?

The name “hoghouse” amendment is unique to the South Dakota Legislature. It is an amending process that allows the entire contents of a bill to be changed even long after the bill introduction deadline has passed. The term originated in 1921 when the process was used to authorize an expense allowance for legislators as a substitute for the construction of a hoghouse at State College, which is now SD State University.

In South Dakota, formal action is required on all legislative proposals. The procedure is not unique to South Dakota.