

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

777Z0338

HOUSE BILL NO. 1187

Introduced by: Representatives Peterson (Sue), Ahlers, Anderson, Dennert, DiSanto, Frye-Mueller, Goodwin, Gosch, Howard, Kaiser, Livermont, Marty, Pischke, and Wiese and Senators Novstrup, Kolbeck, Monroe, and Nelson

1 FOR AN ACT ENTITLED, An Act to require grant performance measurement information be
2 displayed on the department website.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-56-10 be amended to read:

5 1-56-10. The grant agreement for each grant, pass-through grant, or any other award granted
6 by a state agency to a nonstate agency after ~~July 1, 2016~~, July 1, 2018, and any grant information
7 compiled by the agency pursuant to section 2 of this Act shall be displayed on the website
8 created pursuant to § 1-27-45.

9 Each grant agreement shall include an attestation by the award recipient or sub-recipient
10 that:

11 (1) A conflict of interest policy is enforced within the recipient's or sub-recipient's
12 organization;

13 (2) The Internal Revenue Service Form 990 has been filed, if applicable, in compliance
14 with federal law, and is displayed immediately after filing on the recipient's or sub-



1 recipient's website;

2 (3) An effective internal control system is employed by the recipient's or sub-recipient's
3 organization; ~~and~~

4 (4) If applicable, the recipient or sub-recipient is in compliance with the federal Single
5 Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the recipient's
6 or sub-recipient's website; and

7 (5) The award may be rescinded and the recipient may be required to repay any award
8 amounts received if the agency determines that the expected outcomes have not been
9 met.

10 Section 2. That chapter 1-56 be amended by adding a NEW SECTION to read:

11 For each grant, pass-through grant, or any other award granted by a state agency to a
12 nonstate agency after July 1, 2018, exceeding one hundred thousand dollars, the agency shall
13 compile the following:

14 (1) The stated agency goal that the grant will help to advance;

15 (2) The expected outcome upon completion of the grant;

16 (3) At least three performance measures the agency will use to determine if the award
17 recipient is achieving the expected outcome; and

18 (4) Any completed assessments indicating if the award recipient is achieving the
19 expected outcome. If the term of the grant is one year or less, an assessment shall be
20 completed when half of the term is expired and at the end of the term of the grant. If
21 the term of the grant or award is more than one year, an assessment shall be
22 completed each year on the anniversary of the agreement date and again at the end
23 of the term of the grant.

24 Section 3. That chapter 1-56 be amended by adding a NEW SECTION to read:

1 The agency shall notify the special legislative committee established in § 4-8A-2, if the
2 granting agency determines that the expected outcome is not being achieved. The agency may
3 discontinue future payments and cancel the award.