

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

973Z0457

## CONFERENCE COMMITTEE ENGROSSED NO. **SB 125** - 3/9/2018

Introduced by: Senators Peters, Cronin, Curd, Ewing, Greenfield (Brock), Heinert, Langer, Maher, Novstrup, Sutton, and Tidemann and Representatives Hunhoff, Anderson, Bartels, Bartling, Hawley, Mickelson, Peterson (Kent), Qualm, Rhoden, and Steinhauer

1 FOR AN ACT ENTITLED, An Act to clarify the authority of the Government Operations and  
2 Audit Committee to issue a subpoena.

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

4 Section 1. That § 2-6-4 be amended to read:

5 2-6-4. The Government Operations and Audit Committee may examine all records and  
6 vouchers, summon witnesses by request or by issuing a subpoena, and thoroughly examine all  
7 expenditures and the general management of each department of state government. The  
8 Government Operations and Audit Committee may issue a subpoena for the person, documents,  
9 or both and use the procedure provided in chapter 21-34 to enforce its subpoena when the  
10 subject of the subpoena refuses to comply with the command to appear and testify before the  
11 committee. However, no subpoena may be issued until the decision to issue a subpoena by the  
12 Government Operations and Audit Committee has been ratified by the Executive Board of the  
13 Legislative Research Council.



1 Section 2. That chapter 2-6 be amended by adding a NEW SECTION to read:

2 Before a subpoena may be issued by the Government Operations and Audit Committee, the  
3 committee shall determine that:

4 (1) A legislative purpose exists pursuant to §§ 2-6-2 and 2-6-4;

5 (2) The subpoenaed person or documents are relevant and material to accomplish the  
6 legislative purpose; and

7 (3) The information sought is not otherwise practically available.

8 It is not a legislative purpose to subpoena a person or documents to collect information that  
9 may be used for a criminal proceeding or to legislatively determine guilt or inflict punishment  
10 upon an identifiable person.