

AN ACT

ENTITLED, An Act to clarify the authority of the Government Operations and Audit Committee to issue a subpoena.

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

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

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

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

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

- (1) A legislative purpose exists pursuant to §§ 2-6-2 and 2-6-4;
- (2) The subpoenaed person or documents are relevant and material to accomplish the legislative purpose; and
- (3) The information sought is not otherwise practically available.

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

An Act to clarify the authority of the Government Operations and Audit Committee to issue a subpoena.

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I certify that the attached Act originated in the

SENATE as Bill No. 125

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 125  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State