



## 2025 South Dakota Legislature

**Senate Bill 176**

SENATE ENGROSSED

*Introduced by: Senator Wheeler*

1 **An Act to clarify the discovery procedures and powers and to modify the**  
2 **administration of the Government Operations and Audit Committee.**

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

4 **Section 1. That § 2-6-2 be AMENDED:**

5 **2-6-2.** There shall be appointed at each regular session of the Legislature a  
6 Government Operations and Audit Committee of ten, consisting of five members of the  
7 Senate appointed by the president pro tempore of the Senate, one of whom shall be a  
8 member of the Judiciary Committee, and five members of the House of Representatives  
9 appointed by the speaker of the house, one of whom shall be a member of the Judiciary  
10 Committee, for the purpose of inquiry and review of any phase of the operations and the  
11 fiscal affairs of any department, institution, board, or agency of the state, to review any  
12 findings of abuse or neglect in a juvenile corrections facility, to make a continuing study  
13 of the operation of the state's correctional system, and to make a detailed report to the  
14 Senate and House of Representatives and submit a copy of its report to the appropriation  
15 committee of each house of the Legislature at the next succeeding session of the  
16 Legislature or any special session of the Legislature upon request of the body.

17 ~~The Department of Legislative Audit~~ Legislative Research Council shall provide  
18 assistance, including clerical help, to the committee upon request.

19 **Section 2. That § 2-6-4 be AMENDED:**

20 **2-6-4.** The Government Operations and Audit Committee may examine all records  
21 and vouchers, summon witnesses by request or by issuing a subpoena, and thoroughly  
22 examine all expenditures and the general management of each department of state  
23 government.

24 ~~The Government Operations and Audit Committee~~ committee may issue a  
25 subpoena for ~~the person, documents, or both and~~ an individual, a document, or both. The

1 committee may take the deposition of any witness and issue written interrogatories and  
2 requests for production of documents or things to any person in the same manner as  
3 discovery is conducted in a civil action. The committee may use the procedure provided  
4 in chapter 21-34 to enforce its subpoena or discovery procedure when the subject of the  
5 subpoena or discovery procedure refuses to comply with the command to appear and  
6 testify before the committee or comply with the discovery procedure. The committee may  
7 authorize one or more members of the committee, or any other individual, to:

8 (1) Conduct an investigation on behalf of the committee;

9 (2) Use the discovery procedures the committee is authorized to use; and

10 (3) Use the procedure provided in chapter 21-34 to enforce the discovery procedures  
11 of the committee.

12 Any individual authorized by the committee to conduct an investigation must  
13 comply with all applicable state and federal laws regarding confidentiality and any  
14 additional restrictions imposed by the committee.

15 The committee may authorize the director of the Legislative Research Council to  
16 expend moneys from the legislative priority fund for the purpose of carrying out the duties  
17 of this section.

18 However, no subpoena may be issued until the decision to issue a subpoena by the  
19 Government Operations and Audit Committee has been ratified by the Executive Board of  
20 the Legislative Research Council.