

# State of South Dakota

## NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

859Z0312

HOUSE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to promote efficiency and effectiveness in state government  
2 by authorizing program evaluations to be performed by the Legislative Research Council.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 The director of the Legislative Research Council has the following powers and duties:

6 (1) To hire employees, or contract for consultants, to examine a program or an activity  
7 of a state agency and evaluate the merits of the program or activity and the agency's  
8 effectiveness in conducting the program or activity;

9 (2) To develop quantitative indicators for measuring the activities performed and  
10 services provided by a state agency and the extent to which the activities and services  
11 are achieving desired results;

12 (3) To develop unit cost measures to determine the cost of activities performed and  
13 services provided by a state agency;

14 (4) To evaluate if a program or an activity of a state agency complies with the agency's  
15 mission, as established by law;

16 (5) To make unannounced visits to a state agency when needed to evaluate a program or



1 an activity of the agency;

2 (6) To make recommendations to improve the efficiency and effectiveness of a state  
3 agency;

4 (7) To determine the extent to which a state agency has implemented any of the  
5 Legislative Research Council's recommendations concerning the agency;

6 (8) To require a state agency to submit a written response to a proposed or final  
7 recommendation of the Legislative Research Council and to submit a written  
8 explanation of the extent to which the agency has implemented the Legislative  
9 Research Council's recommendations; and

10 (9) To make periodic reports of the activities and recommendations of the Legislative  
11 Research Council and of any savings achieved by the implementation of its  
12 recommendations.

13 Section 2. That the code be amended by adding a NEW SECTION to read:

14 The Executive Board of the Legislative Research Council, in consultation with the director  
15 of the Legislative Research Council, shall establish an annual work plan that describes the  
16 program evaluations to be performed by the Legislative Research Council. The Legislative  
17 Research Council shall adhere to this plan, unless the Executive Board of the Legislative  
18 Research Council changes the plan to add a new program evaluation, remove a planned program  
19 evaluation, or change the parameters of an ongoing program evaluation. The Executive Board  
20 of the Legislative Research Council shall review each program evaluation completed by the  
21 Legislative Research Council and shall vote to accept or reject the report, or return the report  
22 for additional work.

23 Section 3. That the code be amended by adding a NEW SECTION to read:

24 A request to the Legislative Research Council for an evaluation of a program or an activity

1 of a state agency may only be submitted by a member of the Legislature. The director of the  
2 Legislative Research Council shall review each request in accordance with the following criteria  
3 and make a recommendation to the Executive Board of the Legislative Research Council on  
4 whether to amend the work plan to include the requested evaluation:

- 5 (1) The work required to conduct the requested evaluation;
- 6 (2) The effect that conducting the requested evaluation will have on the Legislative  
7 Research Council's ability to complete its work plan;
- 8 (3) The significance of the requested evaluation compared to the evaluations to be  
9 conducted under the work plan; and
- 10 (4) Any overlap between the requested evaluation and other evaluations previously  
11 conducted by the Legislative Research Council or any agency.

12 Section 4. That the code be amended by adding a NEW SECTION to read:

13 A report of an evaluation of a program or an activity of a state agency by the Legislative  
14 Research Council shall include the following:

- 15 (1) Any findings of the Legislative Research Council concerning the program or  
16 activity;
- 17 (2) Specific recommendations for making the program or activity more efficient or  
18 effective;
- 19 (3) Any legislation needed to implement the Legislative Research Council's findings and  
20 recommendations concerning the program or activity; and
- 21 (4) An estimate of the costs, savings, or enhanced effectiveness expected from  
22 implementing the Legislative Research Council's findings and recommendations  
23 concerning the program or activity.

24 Section 5. That the code be amended by adding a NEW SECTION to read:

1        Each state department, state agency, or state institution shall furnish the Legislative Research  
2 Council any information or records requested by them, whether physical or electronic, and  
3 provide access to any facilities and personnel requested by them. Except when access is  
4 prohibited by a federal statute, federal regulation, or state statute, every state department, state  
5 agency, or state institution shall give the Legislative Research Council access to any data base  
6 or stored information maintained by computer, telecommunications, or other electronic data  
7 processing equipment, whether stored on tape, disk, or otherwise, and regardless of the medium  
8 for storage or transmission. The Legislative Research Council may examine and retain, but not  
9 divulge, any information or records required to remain confidential by federal statute, federal  
10 regulation, or state statute.