

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

572I0665

## HOUSE BILL NO. 1196

Introduced by: Representatives Peterson (Bill), Michels, and Olson (Mel) and Senators Bogue, Brown, and Moore

1 FOR AN ACT ENTITLED, An Act to provide for the periodic review of the principal  
2 departments of state government.

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

4 Section 1. The executive board of the Legislative Research Council shall establish and  
5 appoint the members of one or more interim committees each year to review one or more of the  
6 principal departments established by § 1-32-2. The executive board shall establish a schedule  
7 whereby each principal department is reviewed by an interim committee once every ten years.

8 Section 2. Any committee appointed pursuant to this Act shall implement the procedures of  
9 this Act and may establish its own procedures for the review and evaluation required by this Act.

10 Section 3. Each committee shall hold public hearings and receive testimony from the public  
11 and all interested parties. The department under review shall bear the burden of establishing that  
12 sufficient public need is present to justify its continued existence. The department under review  
13 shall provide the committee with the following information:

14 (1) The identity of all agencies under the direct or advisory control of the department;

15 (2) All powers, duties, and functions currently performed by the department;



- 1       (3) All constitutional, statutory, or other authority under which the powers, duties, and  
2       functions of the department are carried out;
- 3       (4) Any powers, duties, or functions which the department is performing and which is  
4       duplicated by another department within the state including the manner in which, and  
5       the extent to which, the duplication of effort is occurring and any recommendations  
6       as to eliminating the duplications;
- 7       (5) Any powers, duties, or functions which are inconsistent with current and projected  
8       public needs and which should be terminated or altered; and
- 9       (6) Any other information which the committee feels is necessary and proper to carry out  
10      its review and evaluative duties.

11      Section 4. To determine whether a sufficient public need for continuing the department is  
12      present, a committee shall take into consideration the following factors concerning the  
13      department:

- 14      (1) The extent to which any information required to be furnished to the reviewing  
15      committee pursuant to section 3 of this Act has been omitted, misstated, or refused,  
16      and the extent to which conclusions reasonably drawn from the information are  
17      adverse to the legislative intent inherent in the powers, duties, and functions as  
18      established in the enabling legislation creating the department, or is inconsistent with  
19      present or projected public demands or needs;
- 20      (2) The extent to which statutory changes have been recommended which would benefit  
21      the public in general as opposed to benefiting the department;
- 22      (3) The extent to which the operation of the department has been efficient and responsive  
23      to the public needs;
- 24      (4) The extent to which the department has encouraged the persons regulated to report

1 to it concerning the impact of its rules and decisions regarding improved services,  
2 economy of service, or availability of service to the public;

3 (5) The extent to which the public has been encouraged to participate in rule and decision  
4 making as opposed to participation solely by persons regulated;

5 (6) The extent to which complaints have been expeditiously processed to completion in  
6 the public interest; and

7 (7) Any other relevant criteria which the committee deems necessary and proper in  
8 reviewing and evaluating the sufficient public need for continuance of the department.

9 Section 5. The Department of Legislative Audit shall furnish, upon request of a committee,  
10 any relevant information including the reports of audits of the department under review.

11 Section 6. Each committee shall submit reports recommending either the continuation,  
12 revision, or termination of the department under review to the executive board of the Legislative  
13 Research Council for distribution to legislators and the Governor before the first legislative day  
14 of the ensuing regular legislative session.

15 Section 7. Each committee shall submit its recommendations concerning the department and  
16 laws that it believes should be repealed or revised to the Legislature in one or more bills.