



2022 South Dakota Legislature

House Bill 1146

Introduced by: **Representative** Bordeaux

1 **An Act to authorize the State-Tribal Relations Committee to issue subpoenas.**

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

3 **Section 1. That chapter 2-6 be amended with a NEW SECTION:**

4 The State-Tribal Relations Committee may examine all records and summon
 5 witnesses by request or by issuing a subpoena whenever a record or witness is necessary
 6 for the committee to fulfill its responsibility to study the relationship between the state
 7 and its political subdivisions and the tribes and their tribal governments. The committee
 8 may issue a subpoena for a person, documents, or both, and use the procedure provided
 9 in chapter 21-34 to enforce its subpoena when the subject of the subpoena refuses to
 10 comply with the command to appear and testify before the committee.

11 The committee may not issue a subpoena until the decision to issue the subpoena
 12 is ratified by the Executive Board of the Legislative Research Council.

13 **Section 2. That chapter 2-6 be amended with a NEW SECTION:**

14 Before a subpoena may issue from the State-Tribal Relations Committee, the
 15 committee must affirmatively find:

16 (1) A legislative purpose exists pursuant to § 2-6-23 and section 1 of this Act;

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

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

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