

2024 South Dakota Legislature

House Bill 1041**AMENDMENT 1041A
FOR THE INTRODUCED BILL**

1 **An Act to modify the definition of public infrastructure to allow a federally**
2 **recognized Indian tribe to be eligible for housing infrastructure grants and**
3 **loans and to declare an emergency.**

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

5 **Section 1. That § 11-15-1 be AMENDED:**

6 **11-15-1.** Terms used in this chapter mean:

- 7 (1) "Authority," the South Dakota Housing Development Authority;
- 8 (2) "Housing infrastructure," the installation, replacement, upgrade, or improvement
9 of public infrastructure for the support of a single-family or multi-family housing
10 project; and
- 11 (3) "Public infrastructure," a right of way, water distribution system, sanitary sewer
12 system, storm sewer system, lift station, street, road, bridge, curb, gutter,
13 sidewalk, traffic signal, or streetlight, which is or will be located in the state and is
14 or will be owned, maintained, or provided by a political subdivision of this state or
15 federally recognized Indian tribe; or excavation, compaction, or acquisition of land
16 for such purposes.

17 **Section 2. That a NEW SECTION be added to chapter 11-15:**

18 Any applicant that may fall within the scope of sovereign immunity that may be
19 asserted by a federally recognized Indian tribe or other sovereign entity must waive any
20 sovereign immunity defense that the applicant may have, may be asserted on the
21 applicant's behalf, or may otherwise be asserted in any enforcement action regarding
22 repayment of loans granted pursuant to this chapter.

- 1 **Section 3.** Whereas, this Act is necessary for the support of the state government and its
- 2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 3 full force and effect from and after its passage and approval.

AMENDED